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Latest Edition

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[Revised as of January 1, 1964]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Concentrated Orange Juice [1]

A proposal to revise the United States Standards for Grades of Frozen Concentrated Orange Juice was published in the FEDERAL REGISTER of May 9, 1964 (29 F.R. 6156). Interested persons were given until June 8, 1964 to submit written data, views or arguments for consideration in connection with the proposed revision. Additional time for the submission of such data, views or arguments, to July 18, 1964, was provided by FEDERAL REGISTER publication on June 18, 1964 (29 F.R. 7771).

Statement of consideration leading to the revised standards. Comments and suggestions from citrus interests concerning the Department's proposal of May 9, 1964, regarding a revision of the aforesaid standards have been carefully considered. Based on the comments and suggestions received, several changes of a minor nature, principally changes in language for clarification purposes or format presentation, are made. These changes do not affect the different grade level requirements described in the standards. Two significant changes from those proposed on May 9, 1964, are made. One of these pertains to color evaluation and the other to Brix-acid ratio limits.

Color evaluation. Views and comments, accompanied by supporting data, submitted by the Florida Citrus industry indicate that an overwhelming percentage of the frozen concentrated orange juice, as packed in Florida from the 1963–64 crop, if judged on the basis of the proposal, would score from 36 to 37 points on color or well below the midcolor point for U.S. Grade A. Only a very small percentage of the pack would score as high as 38 points, and none, of any consequence, would score any higher. Florida processors point out that all but a relatively small volume of the nation's production of frozen concentrated orange juice packed in retail and institutional size containers is produced in Florida. They contend that the proposed color evaluation system would be overly rigid on a large percentage of the Florida pack, and urge that favorable consideration be given to permit substantially higher scores for the better color Florida produced concentrate.

There is considerable merit in the contention that the proposal to revise the U.S. grade standards for frozen concentrated orange juice should be adjusted with respect to color scores within the U.S. Grade A color classification. However, adjustments that would permit the assignment of the highest color score to frozen concentrate orange juice that is of a color substantially less than the most desirable color cannot be justified. After having given due consideration to the views in regard to color, the standards for frozen concentrated orange juice are revised to provide for five levels in color within the U.S. Grade A color classification. These five levels are measured by employing USDA OJ 5 through USDA OJ 2 color standards. The revised grade standards provide for the assignment of a score of 40 points to a color equal to or better than USDA OJ 2, instead of USDA OJ 1, as proposed. Adjustments are made for the assignment of color score points 39, 38 and 37, using USDA OJ 3 and USDA OJ 4 as guides. No change is made in the use of USDA OJ 5 for a color score of 36 points which represents the lower limit for U.S. Grade A color. These changes do not affect the grade level requirements of the standards. The elimination of the USDA OJ 1 color from the standards does not preclude its use as a reference in describing color which is better than USDA OJ 2.

Brix-acid ratio limits. Under the factor of flavor, as proposed, the minimum Brix value-acid ratio for U.S. Grade A (without sweetener) would have been increased from 11.5:1 to 13.0:1. Also, the ratio for U.S. Grade A (with sweetener) would have been increased from 12.0:1 to 13.0:1. Maximum limits for U.S. Grade A were set at 18.0:1 (with or without sweetener).

Both Florida and the California-Arizona interests object to certain aspects of these proposed changes. The California-Arizona group claims that frozen concentrated orange juice produced in that area with Brix-acid ratios much lower than those proposed receive very good acceptance. They point out that an increase in the minimum Brix-acid ratio would be in disregard of inherent differences between the characteristics of the juice from fruit grown in Florida and that from fruit grown in the California-Arizona area. They contend that nearly all of the frozen concentrated orange juice packed from oranges produced in that area would fail to meet the proposed higher minimum ratio level for U.S. Grade A. They recommend that (1) no changes be made in the current standards with respect to Brix-acid ratios, or (2) if such changes in these requirements are made, they not be made applicable to the product produced in the California-Arizona area.

The Florida interests recommend a decrease in the proposed minimum ratio for Grade A (without sweetener) from 13.0:1 to 12.5:1 and an increase in the maximum ratio for Grade A from the proposed 18.0:1 to 19.0:1. This would provide the same maximum ratio for all grades (with or without sweetener).

The matter of appropriate minimum levels for the relationship of sweetness to acidity in the United States standards for processed citrus products has been given careful consideration by the Department over many years. This relationship—usually referred to as the Brix-acid ratio or Brix value-acid ratio—is considered extensively as an indication of the maturity of the fruit, and, if other attributes are properly weighed, an indication of expected flavor.

Under any particular set of circumstances involving such considerations as variety, area of production, time of year, and season, the upper and lower limits for ratios, if properly set, provide some assurance of acceptable flavor. They do not reflect all flavor attributes since fruit flavor is also affected by other inherent constituents of the fruit, manufacturing procedures and storage conditions.

The prime consideration, however, in classifying the flavor of frozen concentrated orange juice is the degree of excellence of the flavor of the product within recognized Brix-acid ratio limits as may be stipulated in the standards.

A consumer preference study conducted by the Department on canned orange juice indicates that Brix-acid ratios are acceptable over a wide range with stronger preferences for a juice in the area of 12.0:1 and on the high ratio side of around 18.0:1. This study dealt with canned orange juice, and therefore does not necessarily apply similarly to frozen concentrated orange juice. It does, however, shed some light on the matter of Brix-acid ratio preferences.

The views expressed concerning minimum ratio limits have merit and these are reflected in the revised standards. The suggestion to increase the maximum ratio from 18.0:1 to 19.0:1, however, would remove this discrimination between the grade levels. The 18.0:1 has been a long-standing upper limit for U.S. Grade A. In the absence of adequate evidence to indicate frozen concentrated orange juice of higher ratio is of superior flavor; and, considering the small amount of such frozen concentrated orange juice packed, no action is taken on this suggestion.

In consideration of the views and recommendation submitted concerning the proposed adjustments in minimum ratios, and the other aspects of flavor expressed herein, the standards are revised with no change in the current

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

standards minimum ratios for U.S. Grade A (with or without sweetener) when the product is produced solely or predominantly from oranges grown in California or Arizona. The minimum Brix-acid ratios for the product produced solely or predominantly from oranges grown elsewhere are set at 12.5:1 for U.S. Grade A (without sweetener) and at 13.0:1 for this grade with sweetener. The maximum ratios remain as proposed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Concentrated Orange Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended, 7 U.S.C. 1621–1627).

PRODUCT DESCRIPTION, STYLES, GRADES

Sec.
52.1581 Product description.
52.1582 Styles.
52.1583 Grades.

FILL OF CONTAINER

52.1584 Recommended fill of container.

FACTORS OF QUALITY

52.1585 Ascertaining the grade of a sample unit.
52.1586 Ascertaining the rating for the factors which are scored.
52.1587 Color.
52.1588 Defects.
52.1589 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1590 Definitions of terms and methods of analyses.

LOT COMPLIANCE

52.1591 Ascertaining the grade of a lot.

SCORE SHEET

52.1592 Score sheet for frozen concentrated orange juice.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.1581 Product description.

Frozen concentrated orange juice (or frozen orange juice concentrate) is the product as defined in the standards of identity (28 F.R. 10900, 21 CFR 27.109) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1582 Styles.

(a) *Without sweetener.* The Brix value of the finished concentrate is not less than 41.8 degrees and shall be such that when reconstituted according to directions, the reconstituted juice tests not less than 11.8 degrees Brix.

(b) *With sweetener.* The Brix value of the finished concentrate is not less than 42.0 degrees and shall be such that, when diluted according to directions, the reconstituted juice contains not less than 11.8 percent, by weight, of soluble orange solids.

§ 52.1583 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen concentrated orange juice that reconstitutes properly and of which the reconstituted juice: (1) Has an appearance similar to that of fresh orange juice, (2) has a very good color, (3) is practically free from defects, (4) possesses a very good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of frozen concentrated orange juice that reconstitutes properly, and of which the reconstituted juice: (1) Has a good color, (2) is reasonably free from defects, (3) possesses a good flavor, and (4) scores not less than 80 points when scored in accordance with the scoring system outline in this subpart.

(c) "Substandard" is the quality of frozen concentrated orange juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.1584 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of frozen concentrated orange juice as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1585 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of frozen concentrated orange juice is ascertained by considering the faculty of reconstituting properly and the appearance of the reconstituted juice, which are not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	40
Defects	20
Flavor	40
Total score	100

§ 52.1586 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1587 Color.

(a) *Evaluation of color.* (1) The color of frozen concentrated orange juice is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that the standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ 1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the product in a clear glass test tube of 1 inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice after inserting the tube of juice where it bests fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch,
Fruit and Vegetable Division,
Agricultural Marketing Service,
U.S. Department of Agriculture,
Washington, D.C., 20250.

(d) (*A*) *Classification.* Frozen concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored fresh orange juice. Frozen concentrated orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	*Score (points)*
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

(e) (*B*) *Classification.* If the reconstituted juice possesses a good color, a score of 32 to 35 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Frozen concentrated orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	*Score (points)*
Better than USDA OJ 6 but not as good as USDA OJ 5	35
Equal to USDA OJ 6	34
Not as good as USDA OJ 6	33 or 32

(f) (*SStd.*) *Classification.* If the reconstituted juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1588 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, white flakes, harmless extraneous material, and other similar defects; from recoverable oil; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Definitions*—(1) *Small seeds and portions thereof.* "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations ⅛ inch (3.2 mm.) in diameter.

(2) *Recoverable oil.* "Recoverable oil" means oil recoverable by the method outlined in this subpart.

(c) (*A*) *Classification.* Frozen concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be no more than 0.030 milliliter of recoverable oil per 100 milliliters of the reconstituted juice.

(d) (*B*) *Classification.* If the reconstituted juice is reasonably free from defects, a score of 16 or 17 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinkng quality of the juice, and that there may be no more than 0.035 milliliter of recoverable oil per 100 milliliters of the reconstituted juice.

(e) (*SStd.*) *Classification.* Frozen concentrated orange juice that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1589 Flavor.

(a) (*A*) *Classification.* Frozen concentrated orange juice of which the reconstituted juice possesses a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and similar to that of fresh orange juice. To score in this classification the frozen concentrated orange juice shall meet the following limits for the respective styles; and when produced solely or predominantly from fruit grown in the geographical areas indicated:

	Brix value-acid ratio	
	Minimum	*Maximum*
(1) Without sweetener style:		
California or Arizona	11.5:1	18:1
Outside California or Arizona	12.5:1	18:1
(2) With sweetener style:		
California or Arizona	12:1	18:1
Outside California or Arizona	13:1	18:1

(b) (*B*) *Classification.* If the reconstituted juice possesses a good flavor, a score of 32 to 35 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is similar to that of fresh orange juice and is free from abnormal flavors and off flavors of any kind. To score in this classification the frozen concentrated orange juice—irrespective of style or area of production—shall have a Brix value to acid ratio of not less than 10 to 1 nor more than 19 to 1.

(c) (*SStd.*) *Classification.* If the frozen concentrated orange juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 31 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1590 Definitions of terms and methods of analyses.

(a) *Reconstituted juice.* "Reconstituted juice" means the product obtained by thoroughly mixing the concentrate with the amount of water prescribed on the label or other approximate directions.

(b) *Reconstitutes properly.* "Reconstitutes properly" means that the concentrate goes into solution readily; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass cylinder (approximately 1¼ inches (30 mm.) in diameter), there may be a noticeable separation of suspended matter but any resulting zone of greater clarity shall be definitely turbid and not clear or transparent.

(c) *Acid.* "Acid" means the percent by weight of total acidity, calculated as anhydrous citric acid, in frozen concentrated orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(d) *Brix value.* "Brix value" in frozen concentrated orange juice is the refractometric sucrose value determined in accordance with the "International Scale of Refractive Indices of Sucrose Solutions" and to which the applicable correction for acid is added (see Table I of this subpart for corrections). The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(e) *Brix value-acid ratio.* The Brix value-acid ratio is the ratio of the Brix value of the concentrate in degrees Brix to the grams of anhydrous citric acid per 100 grams of concentrate.

TABLE I [1]—CORRECTIONS FOR OBTAINING BRIX VALUE

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, Page 447, August 15 1939.

(f) *Recoverable oil.* "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 2 liters of the reconstituted juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the number of milliliters of recoverable oil per 100 milliliters of the reconstituted juice.

LOT COMPLIANCE

§ 52.1591 Ascertaining the grade of a lot.

The grade of a lot of frozen concentrated orange juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Proc-

[2] Figures 1 and 2 filed as part of original document.

essed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.1592 Score sheet for frozen concentrated orange juice.

Size and kind of container			----
Container mark or identification	Cans		----
	Cases		----
Label (including ingredient statement, if any)			----
Liquid measure (fluid ounces)			----
Brix value (of concentrate)			----
Style			----
Total acidity: As anhydrous citric, percent by weight			----
Brix value-acid ratio (:1)			----
Recoverable oil (ml./100 ml.)			----
Reconstitutes properly: (yes) (no)			----
Appearance of juice			----
Factors	**Score points**		
Color	40	(A) 36–40 (B) [1] 32–35 (SStd.) [1] 0–31	
Defects	20	(A) 18–20 (B) [1] 16–17 (SStd.) [1] 0–15	
Flavor	40	(A) 36–40 (B) [1] 32–35 (SStd.) [1] 0–31	
Total score	100		
Grade			----

[1] Indicates limiting rule.

The United States Standards for Grades of Frozen Concentrated Orange Juice (which is the fourth issue) contained in this subpart shall become effective forty-five days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Frozen Concentrated Orange Juice which have been in effect since December 1, 1955.

Dated: August 31, 1964.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 64-8974; Filed, Sept. 3, 1964; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[948.346 Amdt. 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 2

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1964 crop potatoes grown in Area No. 2 have begun, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) special preparation on the part of handlers is not required, (4) the committee's recommendation has been publicized within the production area, and (5) this amendment relieves restrictions on the handling of potatoes grown in Area No. 2.

Order as amended. In § 948.346 (29 F.R. 11953) amend paragraph (a) to read as follows:

§ 948.346 Limitation of shipments.

* * * * *

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (g) of this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated August 31, 1964, to become effective August 31, 1964.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-8975; Filed, Sept. 3, 1964; 8:46 a.m.]

PART 981—ALMONDS GROWN IN CALIFORNIA

Budget of Expenses of Control Board and Rate of Assessment for 1964–65 Crop Year

Notice was published in the FEDERAL REGISTER on August 19, 1964 (29 F.R. 11841), that there was under consideration a proposal regarding expenses of the Control Board and rate of assessment for the 1964–65 crop year which began July 1, 1964. The proposal was based on the recommendation of the Control Board and other available information, pursuant to the provisions of amended Marketing Agreement No. 119 and Order No. 981 (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views or arguments pertaining to the proposal. The prescribed time has elapsed and no such communications have been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that expenses of the Control Board in the amount of $55,000 are reasonable and likely to be incurred by the Board during the 1964–65 crop year and a rate of assessment of 0.10 cent per pound of almonds, kernel weight basis, is necessary to provide funds to meet authorized Board expenses.

Therefore, the expenses of the Control Board and rate of assessment for the crop year beginning July 1, 1964, are established as follows:

§ 981.314 Budget of expenses of the Control Board and rate of assessment for the 1964–65 crop year.

(a) *Budget of expenses.* The budget of expenses of the Control Board for the crop year beginning July 1, 1964, shall be in the total amount of $55,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by each handler in accordance with § 981.81 is established for said crop year at the rate of 0.10 cent per pound of almonds (kernel weight basis).

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that a rate of assessment fixed for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such crop year; and (2) the current crop year began on July 1, 1964, and the rate of assessment herein fixed will automatically apply to all such assessable almonds beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-8976; Filed, Sept. 3, 1964; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 17—LABELING

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

PART 27—IMPORTED PRODUCTS

Miscellaneous Amendments

On February 4, 1964, there was published in the FEDERAL REGISTER (29 F.R. 1696) a notice with respect to proposed amendments of Parts 17, 18 and 27 of the

Meat Inspection Regulations in Subchapter A, Chapter I, Title 9, Code of Federal Regulations, as amended. The amendments set forth herein reflect certain changes from the proposals contained in the notice which are made pursuant to comments received from interested persons with respect to the notice. It appears that further notice and public rulemaking procedure with respect to the amendments would not make additional information available to this Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further public rule-making procedure on the amendments is unnecessary. Accordingly, after due consideration of all relevant material and pursuant to the provisions of the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96), and subsections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)), the regulations are hereby amended in the following respects:

1. In § 17.2(b)(2) a new sentence is inserted between the first and second sentences, and another new sentence is added at the end of subparagraph (2) to read, respectively, as follows:

§ 17.2 Labels: What to contain, when and how used.

* * * * *

(b) * * *

(2) * * * When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials, provided that the word "and" in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients. * * * The term "Corn Syrup" may be used as an ingredient identification on labeling material for meat food products to reflect the use of either corn syrup or corn syrup solids.

2. Section 17.8(c)(26), (40), and (52) are amended; and § 17.8(c) (61) through (68) are added. The amended and added subparagraphs of § 17.8(c) read as follows:

§ 17.8 False or deceptive labeling and practices.

* * * * *

(c) * * *

(26) Containers of edible rendered animal fats and mixtures of edible fats containing animal fats shall, before or immediately after filling, be legibly marked with the true name of the product. Shortening prepared with a mixture of meat fats and vegetable oils may be identified either as "Shortening Prepared with Meat Fats and Vegetable Oils" or "Shortening Prepared with Vegetable Oils and Meat Fats" without regard to the order of predominance of the fats and oils used, provided there is a significant amount of the lesser ingredient used.

* * * * *

Except as otherwise provided in this section, or as otherwise permitted under the Poultry Products Inspection Act with respect to products consisting partly of poultry, sausage shall be prepared with meat, or meat and meat byproduct seasoned with condimental proportions of condimental substances. Pork sausage and breakfast sausage, whether fresh, smoked, or canned, shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is fat which can be removed by thorough, practicable trimming and sorting. Partially defatted pork fatty tissue or partially defatted beef fatty tissue may be used in the preparation of those types of sausage in which meat byproducts are considered normal ingredients. The amount of either, or a combination of both, shall not exceed 15 percent of the meat and meat byproduct portion of the formula. The terms "partially defatted pork fatty tissue" and "partially defatted beef fatty tissue" refer to the meat byproducts derived from the low temperature rendering (not exceeding 120° F.) of fresh pork fatty tissue exclusive of skin, or beef fatty tissue, respectively. Such byproducts shall have a pinkish color and a fresh odor and appearance. When used in any meat food product these meat byproducts shall be identified in the ingredient statement, respectively, as "Partially Defatted Pork Fatty Tissue" and "Partially Defatted Beef Fatty Tissue." Sausage may contain not more than 3½ percent, individually or collectively of cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, nonfat dry milk, calcium reduced dried skim milk, or dried milk. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of sausage which is not cooked, luncheon meat and meat loaf in an amount not to exceed 3 percent of the total ingredients used. Cooked sausage such as frankfurter, vienna, and bologna may contain no more than 10 percent of added water or other moisture.

* * * * *

(52) The application of curing solution to beef briskets shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured briskets. The application of curing solution to other beef cuts, such as navels, clods, middle ribs, rumps and the like, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat. The application of curing solution to fresh beef tongue shall not result in an increase in the weight of the cured beef tongue of more than 10 percent over the weight of the fresh uncured beef tongue.

* * * * *

(61) Products labeled as meat pies, e.g., "Beef Pie," "Veal Pie," and "Pork Pie," shall contain not less than 25 percent of meat computed on the weight of the fresh uncooked meat in relation to all of the other ingredients including the crust.

(62) When beef cheek meat (trimmed beef cheeks) is used in the preparation of hamburger, chopped beef, and fabricated beef steaks, the amount of such cheek meat shall be limited to 25 percent of the meat ingredient and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.

(63) Barbecued meats shall be cooked by the direct action of dry heat resulting from the burning of hard wood or the hot coals therefrom for a sufficient period of time to permit the product to assume the usual characteristics of a barbecued article which include the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The weight of the barbecued meat shall not exceed 70 percent of the weight of the fresh uncooked meat.

(64) When methyl polysilicone is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read "Methyl Polysilicone Added."

(65) Cured, unsmoked, boneless pork shoulders, pork shoulder butts, or pieces of pork loin, in casings or similar packages of consumer size, shall not contain more than 10 percent added substances as a result of the curing process.

(66) Cheesefurters and similar products made in simulation of sausage in casings but containing sufficient cheese to give definite characteristics to the finished article may contain cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, nonfat dry milk, calcium reduced dried skim milk, or dried milk. The finished product shall contain no more than 3½ percent of these additives, individually or collectively, exclusive of the cheese constituent. When any such additive is added to these products, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Nonfat Dry Milk Added," "Cereal and Nonfat Dry Milk Added," as the case may be.

(67) When harmless synthetic flavoring is added to product for which it is approved by the Director of Division, it shall be declared in the ingredient statement as "Artificial Flavoring."

(68) The amount of batter and breading used as a coating for breaded prod-

uct shall not exceed 30 percent of the weight of the finished breaded product.

* * * * *

3. Section 18.6(b) is amended by the addition of a new subparagraph to read:

§ 18.6 Processes to be supervised; containers, equipment, processes of manufacture to be clean and sanitary; substances to be clean and wholesome.

* * * * *

(b) * * *

(12) Poultry products which are intended for use as ingredients of meat food products shall be considered acceptable when identified as having been inspected for wholesomeness by the Department and when found to be sound and otherwise acceptable when presented for use as an ingredient. Poultry products which have not received inspection for wholesomeness by the Department shall not be used in the preparation of meat food products.

4. Section 18.7 is amended to read as follows:

§ 18.7 Approval of substances for use in the preparation of meat food products.

(a) No product shall contain any substance which impairs its wholesomeness or which is not approved by the Director of Division.

(b) Under appropriate declaration as required in Parts 16 and 17 of this subchapter, the following substances may be added to products:

(1) Common salt, approved sugars (sucrose (cane or beet sugar) maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph (4) of this paragraph may be added to products under conditions, if any, specified in this part or in Part 17 of this subchapter.

(2) Other harmless synthetic flavorings may be added to products with the approval of the Director of Division.

(3) Coloring matter and dyes other than those specified in the chart in subparagraph (4) of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Director of Division. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter or dye is added to meat fat shortening containing synthetic flavoring, the product shall be packed in conventional, round shortening containers having a capacity no greater than 3 pounds.

(4) The substances specified in the following chart are acceptable for use in the processing of products, provided they are used for the purposes indicated, within the limits of the amounts stated, and under other conditions specified in this part and Part 17 of this subchapter.

Class of substance	Substance	Purpose	Products	Amount
Anticoagulants	Citric acid Sodium citrate.	To prevent coltting.	Fresh beef blood	0.2%—with or without water. When water is used to make a solution of citric acid or sodium citrate added to beef blood not more than 2 parts of water to 1 part of citric acid or sodium citrate shall be used.
Antifoaming agent	Methyl polysilicone.	To retard forming	Soups Rendered fats Curing pickle	10 parts per million. Do. 50 parts per million.
Antioxidants and oxygen interceptors.	BHA (butylated hydroxyanisole).	To retard rancidity	Unsmoked, dry sausage.	0.003%.
	do	do	Rendered animal fat or a combination of such fat and vegetable fat.	0.01% (0.02% in combination.)
	BHT (butylated hydroxytoluene).	do	do	0.01% (0.02% in combination.)
	Glycine	do	do	0.01% (0.02% in combination.)
	Nordihydroguaiaretic acid (NDGA).	do	do	0.01% (0.02% in combination.)
	Propyl gallate	do	do	0.01% (0.02% in combination.)
	Resin guaiac	do	do	0.10% (0.02% in combination.)
	Tocopherols	do	do	0.03%—A 30 percent concentration of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat."
Bleaching agent	Hydrogen peroxide	To remove color	Tripe (substance must be removed from product by rinsing with clear water).	Sufficient for purpose.
Catalysts (substances must be eliminated during processing).	Nickel	To accelerate chemical reaction.	Rendered animal fats or a combination of such fats and vegetable fats.	Do.
	Sodium amide	Rearrangement of fatty acid radicals.	do	Do.
	Sodium methoxide	do	do	Do.
Coloring agents (natural).	Alkanet, annatto, carotene, cochineal, green chlorophyl, saffron and tumeric.	To color casings or rendered fats; marking and branding product.	Sausage casings, oleomargarine, shortening, marking or branding ink on product.	Sufficient for purpose (may be mixed with approved synthetic dyes or harmless inert material such as common salt and sugar).
Coloring agents (synthetic).	Coal tar dyes (FD&C) must furnish evidence to inspector in charge that dye has been certified for use in connection with foods by Food and Drug Administration.	do	do	Sufficient for purpose (may be mixed with approved natural coloring matters or harmless inert material such as common salt or sugar).
Curing agents	Ascorbic acid	To accelerate color fixing.	Cured pork and beef cuts, cured comminuted meat food product.	75 ozs. to 100 gals. pickle at 10% pump level; ¾ oz. to 100 lbs. meat or meat byproduct; 10% solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Erythorbic acid	do	do	Do.
	Sodium ascorbate	do	do	87.5 ozs. to 100 gals. pickle at 10% pump level; ⅞ oz. to 100 lbs. meat or meat byproduct; 10% solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Sodium erythorbate	do	do	Do.
	Citric acid or Sodium citrate	do	do	May be used in cured products to replace up to 50% of the ascorbic acid, erythorbic acid, sodium ascorbate, or sodium erythorbate that is used.

Class of substance	Substance	Purpose	Products	Amount
Curing agents (con.)	Sodium or potassium nitrate.	Source of nitrite	Cured products	7 lbs. to 100 gals. pickle; 3½ ozs. to 100 lbs. meat (dry cure); 2¾ ozs. to 100 lbs. chopped meat.
	Sodium or potassium nitrite (supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly).	To fix color	do	2 lbs. to 100 gals. pickle at 10% pump level; 1 oz. to 100 lbs. meat (dry cure), ¼ oz. to 100 lbs. chopped meat and/or meat byproduct. The use of nitrites, nitrates or combination shall not result in more than 200 ppm. nitrite in finished product.
Denuding agents; may be used in combinations. Must be washed off following use with clear water.	Lime	To denude mucous membrane.	Tripe	Sufficient for purpose.
	Sodium carbonate (soda ash or Salsoda).	do	do	Do.
	Sodium metasilicate	do	do	Do.
	Sodium hydroxide (caustic soda).	do	do	Do.
	Trisodium phosphate.	do	do	Do.
Emulsifying agents	Acetylated monoglycerides.	To emulsify product.	Shortening	Do.
	Diacetyl tartaric acid esters of mono and diglycerides.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Do.
	Glycerol-lacto stearate, oleate, or palmitate.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Do.
	Lacithin	To emulsify product (also as antioxidant).	Oleomargarine, shortening.	Do.
	Mono and diglycerides (glycerol palmitate etc.).	To emulsify product.	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose in lard and shortening; 0.5% in oleomargarine.
	Polysorbate 80 (polyoxyethylene (20) sorbitan monoeleate).	do	Shortenings that are sold in units not exceeding 6 lbs. or 1 gal. fluid content.	1% when used alone. If used with polysorbate 60 or sorbitan monostearate the combined total shall not exceed1%.
	Propylene glycol mono and diesters of fats and fatty acids.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose.
	Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).	do	Shortenings that are sold in units not exceeding 6 lbs. or 1 gal. fluid content.	1% when used alone. If used with polysorbate 80 or sorbitan monostearate the combined total shall not exceed 1%.
Emulsifying agents (continued).	Stearyl-2-lactylic acid.	To emulsify product.	Shortening—to be used for cake icings, and fillings.	3.0%.
	Stearyl monoglyceridyl citrate.	do	Shortening	Sufficient for purpose.
	Sorbitan monostearate.	do	Shortenings that are sold in units not exceeding 6 lbs. or 1 gal. fluid content.	1% when used alone. If used with polysorbate 60 or polysorbate 80 the combined total shall not exceed 1%.
Binders	Algin	To extend and stabilize product.	Breading mix; sauces.	Sufficient for purpose.
	Carrageenan	do	do	Do.
	Carboxymethyl cellulose (cellulose gum).	do	Baked pies	Do.
	Gums, vegetable	do	Egg roll	Do.
	Methyl cellulose	To extend and to stabilize product (also carrier).	Meat and vegetable patties.	0.15%.
	Isolated soy protein	To bind and extend product.	Imitation sausage; nonspecific loaves; soups; stews.	Sufficient for purpose.
	Sodium caseinate	do	do	Do.
	Whey (dried)	do	do	Do.
Flavoring agents; protectors and developers.	Approved artificial smoke flavoring.	To flavor product	Various	Do.
	Approved smoke flavoring.	do	do	Do.
	Autolyzed yeast extract.	do	do	Do.
	Harmless bacterial starters of the acidophilus type, lactic acid starter, or culture of Pediococcus cerevisiae.	To develop flavor	Dry Sausage, pork roll, thuringer, lebanon bologna, cervelat, salami, and pork roll.	0.5%.
	Benzoic acid, sodium benzoate.	To retard flavor reversion.	Oleomargarine	0.1%
	Citric acid	To protect flavor	do	Sufficient for purpose.
	do	Flavoring	Chili con carne	Do.
	Corn syrup solids, corn syrup, glucose syrup.	To flavor	Sausage, hamburger, meat loaf, lucheon meat, chopped or pressed ham.	2.0% individually or colleclively, calculated on a dry basis.
	Dextrose	To flavor product	Sausage, ham, and cured products.	Sufficient for purpose.
	Diacetyl	do	Oleomargarine	Do.
	Hytrolyzed plant protein.	do	Various	Do.
	Isopropyl citrate	To protect flavor	Oleomargarine	0.02%.
	Malt syrup	To flavor product	Cured products	2.5%.
	Milk protein hydrolysate.	do	Various	Sufficient for purpose.
	Monosodium glutamate.	do	do	Do.
	Sodium sulfoacetate derivative of mono- and diglycerides.	do	do	0.5%.
	Starter distillate	do	Oleomargarine	Sufficient for purpose.
	Stearyl citrate	To protect flavor	do	0.15%.
	Sugars, approved (sucrose and dextrose).	To flavor product	Sausage, ham, and miscellaneous.	Sufficient for purpose.
Gases	Carbon dioxide solid (dry ice).	To cool product	Chopping of meat, packaging of product.	Do.
	Nitrogen	To exclude oxygen	Sealed containers	Do.
Miscellaneous	Sodium bicarbonate	To neutralize excess acidity, cleaning vegetables.	Rendered fats, soups, curing pickle.	Do.

Class of substance	Substance	Purpose	Products	Amount
Phosphates	Disodium phosphate.	To decrease amount of cooked out juices.	Cured hams, pork shoulder, picnics, loins; canned hams, picnics, and chopped ham.	5.0% of phosphate in pickle at 10% pump level; 0.5% in product (only clear solution may be injected into product).
	Monosodium phosphate.	do	do	Do.
	Sodium hexametaphosphate.	do	do	Do.
	Sodium tripolyphosphate.	do	do	Do.
	Sodium pyrophosphate.	do	do	Do.
	Sodium acid pyrophosphate.	do	do	Do.
Proteolytic enzymes	Aspergillus oryzae	To soften tissues	Beef cuts	Solutions consisting of water, salt, monosodium glutamate, and approved proteolytic enzymes applied or injected into cuts of beef shall not result in a gain of more than 3 percent above the weight of the untreated product.
	Aspergillus flavusoryzae group.	do	do	Do.
	Bromelin	do	do	Do.
	Ficin	do	do	Do.
	Papain	do	do	Do.
Refining agents (must be eliminated during process of manufacturing).	Acetic acid	To separate fatty acids and glycerol.	Rendered fats	Sufficient for purpose.
	Bicarbonate of soda	do	do	Do.
	Carbon (purified charcoal).	To aid in refining of animal fats.	do	Do.
	Caustic soda (sodium hydroxide).	To refine fats	do	Do.
	Diatomaceous earth; Fuller's earth.	do	do	Do.
	Sodium carbonate	do	do	Do.
	Tannic acid	do	do	Do.
Rendering agents	Tricalcium phosphate.	To aid rendering	Animal fats	Do.
	Trisodium phosphate.	do	do	Do.
Artificial sweeteners	Saccharin	To sweeten product	Bacon	0.01%.
	Sodium cyclamate	do	Ham	0.03%.
	Calcium cyclamate	do	Bacon	0.15%.
Synergists (used in combination with antioxidants).	Citric acid	To increase effectiveness of antioxidants.	Lard and shortening.	0.01%—alone or in combination with antioxidants in lard or shortening.
			Unsmoked dry sausage.	0.001% in unsmoked dry sausage in combination with 0.003% of butylated hydroxyanisole.
	Monoisopropyl citrate.	do	Lard, shortening, oleomargarine.	0.01% in lard and shortening; 0.02% in oleomargarine.
	Phosphoric acid	do	Lard and shortening	0.01%.
	Monoglyceride citrate.	do	do	0.01%.

5. Section 18.11(b) is amended to read as follows:

§ 18.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.

* * * * *

(b) Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180° F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers. In lieu of cleaning with hot water the use of efficient jet-vacuum type equipment for cleaning cans and jars is permitted before filling.

* * * * *

6. Section 27.6 is amended by the addition of a new paragraph to read as follows:

§ 27.6 Imported product; foreign certificates required.

* * * * *

(i) Imported canned corned beef which contains head meat, cheek meat, and/or heart meat shall be covered by a certification in addition to the regular approved official meat inspection certificate of the country of origin. The additional certification shall state that the canned corned beef contains no more than 5 percent individually or collectively of head meat, cheek meat, and/or heart meat. This certification may be made a part of the regular official meat inspection certificate of the country of origin or it may be a separate certificate provided it is signed by the same official who signed the meat inspection certificate.

7. Section 27.17(b) is amended to read as follows:

§ 27.17 Outside containers of foreign product; marking and labeling.

* * * * *

(b) Stencils, box dies, labels and brands may be used on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers of foreign products provided the markings made by such devices are applicable to the product and not false or deceptive, and are used with the approval of the inspector in charge.

* * * * *

(34 Stat. 1260–1265, as amended, sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306, 21 U.S.C. 71–96; 19 F.R. 74, as amended)

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of August 1964.

GEORGE W. IRVING, Jr.,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-8954; Filed, Sept. 3, 1964; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

1. Paragraph (a) of § 103.2 is amended to read as follows:

§ 103.2 Applications and petitions.

(a) *General.* Every application or petition submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, such instructions being hereby incorporated into the particular section of the regulations requiring its submission. A parent, guardian, or other adult having a legitimate interest in a person who is under 14 years of age may file on such a person's behalf, and a guardian of a mentally incompetent person may file on such a person's behalf. Any required oath may be administered by an immigration officer or person generally authorized to administer oaths. Applications or petitions received in any Service office shall be stamped to show the time and date of their actual receipt and shall be regarded as filed when so stamped unless returned because they are improperly executed. An application or petition which is presented at an office of this Service by a travel agent, a notary public, or by any individual other than the applicant, petitioner, or an attorney or representative authorized and qualified to represent the applicant or petitioner pursuant to § 292.1 of this chapter, shall be disposed of in the same manner as an application or petition received through the mail. The person submitting the application or petition shall be advised that, since he is not regarded as the authorized representative of the applicant or petitioner, the applicant or petitioner will be notified directly regarding the action taken.

* * * * *

2. Sections 103.3 and 103.4 are amended to read as follows:

§ 103.3 Denials and appeals.

Whenever a formal application or petition filed under § 103.2 is denied, the applicant shall be given written notice setting forth the specific reasons for such denial. When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the mailing of the notification of decision, accompanied by a supporting brief and a fee of $10, by filing Notice of Appeal Form I-290B, which shall be furnished with the written notice. For good cause shown, the time within which the brief may be submitted may be extended. The party taking the appeal may, prior to appellate decision, file a written withdrawal of such appeal. The decision of the Service officer considering the appeal shall be in writing and a copy thereof shall be served upon the applicant, petitioner, or other party affected, or his attorney or representative of record.

§ 103.4 Certifications.

The Commissioner, regional commissioners, associate commissioners, deputy associate commissioners, and assistant commissioners, within their respective areas of responsibility, may direct that any case or class of cases be certified for decision. The alien or other party affected shall be given notice on Form I-290C of such certification and of his right to submit a brief within 10 days from receipt of the notice. Cases within the appellate jurisdiction of the Service shall be certified only after an initial decision has been made. In cases within § 3.1(b) of this chapter, the decision of the officer to whom certified, whether made initially or upon review, shall constitute the base decision of the Service from which an appeal may be taken to the Board in accordance with the applicable parts of this chapter. The decision of the Service officer to whom the case has been certified shall be in writing and a copy thereof shall be served upon the applicant, petitioner, or other party affected, or his attorney or representative of record.

3. Section 103.6 is amended by adding paragraph (d) to read as follows:

§ 103.6 Immigration bonds.

* * * * *

(d) *Bond schedules*—(1) *Blanket bonds for departure of visitors and transits.* The amount of bond required for various numbers of nonimmigrant visitors or transits admitted under bond on Forms I-352 shall be in accordance with the following schedule:

1 to 4 aliens	$500 each.
5 to 9 aliens	$2,500 total bond.
10 to 24 aliens	$3,500 total bond.
25 to 49 aliens	$5,000 total bond.
50 to 74 aliens	$6,000 total bond.
75 to 99 aliens	$7,000 total bond.
100 to 124 aliens	$8,000 total bond.
125 to 149 aliens	$9,000 total bond.
150 to 199 aliens	$10,000 total bond.
200 or more aliens	$10,000 plus $50 for each alien over 200.

(2) *Blanket bonds for importation of workers classified as nonimmigrants under section 101(a)(15)(H).* The following schedule shall be employed by district directors when requiring employers or their agents or representatives to post bond as a condition to importing alien laborers into the United States from the British West Indies, the British Virgin Islands, or from Canada:

Less than 500 workers	$15 each.
500 to 1,000 workers	$10 each.
1,000 or more workers	$5 each.

A bond shall not be posted for less than $500 or for more than $12,000 irrespective of the number of workers involved. Failure to comply with conditions of the bond will result in the employer's liability in the amount of $75 as liquidated damages for each alien involved.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

4. Section 211.4 is added to read as follows:

§ 211.4 Inapplicability of section 212(a)(24) to certain immigrants.

The provisions of section 212(a)(24) of the Act do not apply to an immigrant who is a native of an adjacent island or of foreign contiguous territory and who is seeking admission from any adjacent island or foreign contiguous territory, or who proceeded from one adjacent island or foreign contiguous territory to another by means of a transportation line signatory to a contract pursuant to section 238 (a) or (b) of the Act and Part 238 of this chapter and who is seeking admission from the last island or territory, regardless of the method of entry into the first island or territory.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

5. Section 212.4 is amended to read as follows:

§ 212.4 Applications for the exercise of discretion under section 212(d)(3).

When a visa is not required, an application for the exercise of discretion under section 212(d)(3) of the Act shall be submitted on Form I-192 to the district director in charge of the applicant's intended port of entry prior to the applicant's arrival in the United States. (For Department of State procedure when a visa is required, see 22 CFR 41.95.) If the application is made because the applicant may be inadmissible due to present or past membership in or affiliation with any Communist or other totalitarian party or organization, there shall be attached to the application a written statement of the history of the applicant's membership or affiliation, including the period of such membership or affiliation, whether the applicant held any office in the organization, and whether his membership or affiliation was voluntary or involuntary. If the applicant alleges that his membership or affiliation was involuntary, the statement shall include the basis for that allegation. When the application is made because the applicant may be inadmissible due to disease, mental or physical defect, or disability of any kind, the application shall describe the disease, defect or disability. If the purpose of seeking admission to the United States is for treatment, there shall be attached to the application statements in writing to establish that satisfactory treatment cannot be obtained outside the United States; that arrangements have been completed for treatment, and where and from whom treatment will be received; what financial arrangements for payment of expenses incurred in connection with the treatment have been made, and that a bond will be available if required. When the application is made because the applicant may be inadmissible due to the conviction of one or more crimes, the designation of each crime, the date and place of its commission and of the conviction thereof, and the sentence or other judgment of the court shall be stated in the application; in such a case the application shall be supplemented by the official record of each conviction, and any other documents relating to commutation of sentence, parole, probation, or pardon.

If the application is made at the time of the applicant's arrival to the district director at a port of entry, the applicant shall establish that he was not aware of the ground of inadmissibility and that it could not have been ascertained by the exercise of reasonable diligence, and he shall be in possession of appropriate documents or have been granted a waiver thereof. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal to the Board within 15 days after the mailing of the notification of decision in accordance with the provisions of Part 3 of this chapter. If denied, the denial shall be without prejudice to renewal of the application in the course of proceedings before a special inquiry officer under sections 235 and 236 of the Act and this chapter. When an appeal may not be taken from a decision of a special inquiry officer excluding an alien but the alien has applied for the exercise of discretion under section 212(d)(3) of the Act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.5(b) of this chapter. Pursuant to the authority contained in section 212(d)(3) of the Act, the ground of inadmissibility contained in section 212(a)(24) is waived for any nonimmigrant. The district director or the Assistant Commissioner, Examinations, may at any time revoke a waiver previously authorized under section 212(d)(3) of the Act and notify the nonimmigrant in writing to that effect.

6. Paragraph (b) of § 212.5 is amended to read as follows:

§ 212.5 Parole of aliens into the United States.

* * * * *

(b) *Refugee-escapees.* A separate application for parole as a refugee-escapee

under section 1 of the Act of July 14, 1960, shall be executed and submitted by each applicant on Form I-590 to the officer in charge of the nearest office of the Service in Europe. Parole will not be authorized until assurances of employment and housing in the United States for a period of two years on Form I-591 and assurances of transportation from the applicant's place of abode to point of final destination in the United States have been provided. The approval of an application for parole under section 1 of the Act of July 14, 1960, by an officer in charge outside the United States authorizes the district director at a port of entry to parole the applicant upon arrival at such port within six months after the date of authorization. For purposes of section 3 of the Act of July 14, 1960, the two-year period shall commence on the date of the refugee-escapee's parole following his arrival in the United States. The provisions of the Act of July 14, 1960, will be applied to the spouse and children, as defined in section 101(b)(1) of the Immigration and Nationality Act, of a refugee-escapee as specified in section 1 of the Act of July 14, 1960, if accompanying such refugee-escapee.

7. Paragraphs (b) and (c) of § 212.7 are amended to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

* * * * *

(b) *Section 212(f)*. An alien who is an applicant for an immigrant visa and who is seeking a waiver of the ground of excludability pursuant to section 212 (f) of the Act, as amended September 26, 1961, shall file an application on Form I-601 at the consular office considering the application for a visa. An alien who is applying at a port of entry for admission to the United States, or who is within the United States and who is under any proceeding before the Service in which a waiver pursuant to section 212(f) is required before it may be determined that he is not excludable under section 212(a)(6) of the Act, may file an application on Form I-601 with the Service office having jurisdiction over the place where he is located. The applicant shall submit with his application a statement by a state, territorial, or local health department, or by a recognized hospital or other institution engaged in the treatment of tuberculosis. The statement must contain the following: the name and address of the hospital or institution where the applicant will be treated; an affirmation that arrangements have been made for the alien's treatment and that upon arrival at the hospital or institution the alien will be placed in in-patient or out-patient status as determined by the responsible local physician; an affirmation that financial arrangements for the applicant's care have been made by his sponsor or other responsible individual or that the applicant has established eligibility under the Dependents Medical Care Act of June 7, 1956 (70 Stat. 250; 37 USC 401); an agreement to supply any treatment and observation required for proper management of the applicant's condition in conformity with local standards of medical practice; an agreement to submit to the United States Quarantine Station, Rosebank, Staten Island 5, New York, an initial report giving a clinical evaluation of the applicant, including necessary X-ray films, within 30 days after the alien's arrival at the hospital or other institution or, if within 30 days after receipt of notice from the United States Public Health Service that the alien has arrived in the United States he has not reported to the hospital or other institution, a report stating this fact, and a report of the final disposition of each case. When the required statement is submitted by a hospital or other institution, it must bear an endorsement by a State or city health department affirming its recognition of the hospital or institution as qualified to engage in the treatment of tuberculosis, unless the United States Public Health Service has established that the hospital or institution is recognized as qualified for that purpose. The applicant shall also submit his assurance that upon admission into the United States he will proceed directly to the hospital or other institution specified, submit to such examination, treatment, isolation and medical regimen as may be required, and remain under the prescribed treatment or observation, whether in an in-patient or out-patient basis until discharged. If applicable to his case, the applicant must also submit an assurance that he will comply with the provisions of the publication "Sanitary Measures for Travel of Aliens with Tuberculosis," a copy of which shall be furnished to him.

(c) *Section 212(e)*. An alien who has been a participant in an exchange program and who believes that compliance with the foreign residence requirement of section 212(e) of the Act would impose exceptional hardship upon his spouse or child who is a citizen of the United States or a lawful permanent resident alien shall apply for a waiver on Form I-612. The alien's spouse, if also subject to the foreign residence requirement, may be included in the application, provided the spouse has not been a participant in the exchange program. Each application must be accompanied by the certificate of marriage between the applicant and his spouse and proof of legal termination of all previous marriages of the applicant and spouse; the birth certificate of any child who is a United States citizen or lawful permanent resident alien, if the application is based upon a claim or exceptional hardship to such child, and evidence of the United States citizenship of the applicant's spouse or child, when the application is based upon a claim of exceptional hardship to the spouse or child who is a citizen of the United States. Evidence of United States citizenship and of status as a lawful permanent resident shall be in the form provided in Part 205 of this chapter. A statement, dated and signed by the applicant, shall also be attached to the application giving a detailed explanation of the basis for his belief that his compliance with the foreign residence requirement of section 212(e) of the Act, as amended, would impose exceptional hardship upon his spouse or child who is a citizen of the United States or a lawful permanent resident thereof. The statement shall include all pertinent information concerning the incomes and savings of the applicant and spouse. If exceptional hardship is claimed upon medical grounds, the applicant shall submit a medical certificate from a qualified physician setting forth in terms understandable to a layman the nature and effect of the illness and a prognosis as to the period of time the spouse or child will require care or treatment. The applicant shall be notified of the decision on his application and, if the application is denied, the reasons therefor. No appeal shall lie from denial of an application.

PART 287—FIELD OFFICERS; POWERS AND DUTIES

8. Section 287.5 is amended to read as follows:

§ 287.5 Power and authority to administer oaths.

Any immigration officer, or any other employee individually designated by a district director, shall have the power and authority to administer oaths in or outside the United States.

PART 292—REPRESENTATION AND APPEARANCES

9. Paragraph (b) of § 292.4 is amended to read as follows:

§ 292.4 Appearances.

* * * * *

(b) *Availability of records*. During the time a case is pending, the unrepresented person or the attorney or representative, shall be permitted to examine the record of proceeding, except as otherwise provided in § 103.2(b) of this chapter, in a Service office. He may, in conformity with § 103.7(a) of this chapter, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he may, in addition, be loaned a copy of the testimony and exhibits contained therein upon giving his receipt for such copies and pledging that the copies will not be reproduced, that such copies will be retained in his possession and control, and that they will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, copies may be made by the Service at the expense of the requestor and loaned to him.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and are interpretative in nature.

Dated: August 31, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64-8966; Filed, Sept. 3, 1964; 8:45 a.m.]

PART 214—NONIMMIGRANT CLASSES

Transits

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following sentence at the end thereof: "A citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and the Soviet Zone of Germany ("German Democratic Republic") who is in possession of an official Olympic Games identity card duly issued for participation in the 1964 Olympic Games may apply for admission under this subparagraph during the period from September 10, 1964, to November 25, 1964, if transiting Anchorage, Alaska, by air en route to or from Japan in connection with the 1964 Olympic Games, provided that he shall be in the custody of the Service at all times when not aboard an aircraft in flight through the United States, and provided further that, notwithstanding the provisions of § 231.1 of this chapter, an executed set of Forms I-94 is presented for each such citizen and resident."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by this order confers benefits upon persons affected thereby.

Dated: September 2, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64-9054; Filed, Sept. 3, 1964; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4; Amdt. 7]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Aircraft Distributors and Dealers

On July 18, 1964, there was published in the FEDERAL REGISTER (F.R. 7138) a notice that the Administrator of the Small Business Administration proposed to amend the Small Business Size Standards Regulation (Revision 4), by establishing a definition of small business aircraft distributors and dealers.

Under the proposed amendment, any concern primarily engaged in the retail sale of aircraft will be considered as a small business if, together with its affiliates, its annual sales do not exceed $3 million.

Interested persons were given an opportunity to present their comments or suggestions thereto to the Office of Economic Adviser.

After consideration of all such relevant matters and since no objections to the proposed amendment were submitted by the public regarding the proposed size standard for aircraft distributors and dealers, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 4) (29 F.R. 86), as amended (29 F.R. 2988, 3222, 6945, 7312, 8108), is hereby further amended by:

1. Adding new subparagraph (5) to § 121.3-10(c) as follows:

§ 121.3-10 Definition of small business for SBA business loans.

* * * * *

(c) *Retail.*

Any retailing concern is classified:

* * * * *

(5) As small if it is primarily engaged in making retail sales of aircraft and its annual sales do not exceed $3 million.

* * * * *

Effective date: August 27, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-8977; Filed, Sept. 3, 1964; 8:46 a.m.]

[Rev. 4; Amdt. 8]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

The Small Business Size Standards (Revision 4) (29 F.R. 86), as amended (29 F.R. 2998, 3222, 6945, 7312, 11525, 11707), is hereby further amended by revising the first paragraph of Section 121.3-8 to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved. If a procurement calls for more than one item the bidder must meet the size standard for each item for which it submits a bid. The determination of the appropriate classification of a product shall be made by the contracting officer and his determination shall be final unless appealed in the manner provided in § 121.3-6.

* * * * *

Effective date: September 1, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-8978; Filed, Sept. 3, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-SW-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway and Control Area Extensions

On May 20, 1964, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 6565) and stated that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would redesignate VOR Federal airway No. 180 from San Antonio, Tex., direct to Eagle Lake, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to publication of the Notice it was determined that the Dallas, Tex., control area extension and the San Antonio control area extension are

bounded in part by Victor 180. Appropriate radials from the Austin, Tex., and Eagle Lake VOR's can be employed in the descriptions of these control area extensions in lieu of Victor 180, with no change in actual designated airspace. Such action is taken herein.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. November 12, 1964.

1. Section 71.123 (29 F.R. 1009) is amended as follows:

In V-180, all before "to Galveston, Tex." is deleted and "From San Antonio, Tex., via Eagle Lake, Tex.," is substituted therefor.

2. Section 71.165 (29 F.R. 1073) is amended as follows:

a. In the Dallas, Tex., control area extension "on the S and SW by V-180," is deleted and "on the S by a line 5 miles N of and parallel to the Eagle Lake, Tex., VOR 106° radial, on the SW by a line 5 miles NE of and parallel to the Austin VOR 134° and Eagle Lake VOR 291° radials," is substituted therefor.

b. In the San Antonio, Tex., control area extension "on the NE by V-180" is deleted and "on the NE by a line 5 miles SW of and parallel to the Austin, Tex., VOR 134° and Eagle Lake, Tex., VOR 291° radials" is substituted therefor.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on August 28, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8993; Filed, Sept. 3, 1964; 8:47 a.m.]

[Airspace Docket No. 64-CE-18]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Temporary Restricted Area

The purpose of this amendment to Part 73 [New] of the Federal Aviation Regulations is to designate a temporary restricted area near Ft. Leonard Wood, Mo.

On July 10, 1964, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 9459) stating that the Federal Aviation Agency was considering an amendment to § 73.45 of the Federal Aviation Regulations which would designate a temporary joint use restricted area in the vicinity of Ft. Leonard Wood, Mo. The restricted area is required to contain hazardous activities to be conducted in conjunction with the military exercise known as "GOLDFIRE I."

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America offered no objection to the restricted area, but stressed the requirement of the air carriers for efficient air traffic control service in the vicinity of Ft. Leonard Wood, Mo., during the exercise period.

To insure that the required control is provided, the following actions will be taken by the Federal Aviation Agency:

1. An approach control facility will be established at Ft. Leonard Wood for the duration of the exercise. (The Army presently operates a full time tower.)

2. Additional clearance limit fixes outside the restricted area will be designated.

The substance of the proposed amendment having been previously published, and for the reasons stated in the Notice of Proposed Rule Making, § 73.45 (29 F.R. 9459) is amended by adding the following:

Fort Leonard Wood, Mo. (Temporary).

Boundaries: Beginning at latitude 37°31′ N., longitude 92°58′ W.; to latitude 37°52′ N., longitude 92°33′ W.; to latitude 37°52′ N., longitude 92°05′ W.; to latitude 37°09′ N., longitude 91°21′ W.; to latitude 36°45′ N., longitude 91°51′ W.; to latitude 37°21′ N., longitude 92°58′ W.; to the point of beginning.

Designated altitudes. Surface to and including 8,000 feet MSL.

Time of designation. Continuous from 0001 c.s.t., October 29, 1964, to 2359 c.s.t., November 13, 1964.

Controlling agency. Federal Aviation Agency, Kansas City ARTC Center, Olathe, Kansas.

Using agency. United States Air Force Strike Command, Langley AFB, Virginia.

This amendment shall become effective 0001 c.s.t., October 29, 1964.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 28, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-8994; Filed, Sept. 3, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

HYDROXYPROPYL CELLULOSE

The Commissioner of Food and Drugs having evaluated the data in a petition (FAP 1448) filed by Hercules Powder Company, 910 Market Street, Wilmington, Delaware, 19899, and other relevant material, has concluded that a regulation should issue to prescribe the conditions of safe use of hydroxypropyl cellulose in food as an emulsifer, film former, protective colloid, stabilizer, suspending agent, or thickener. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1160 Hydroxypropyl cellulose.

The food additive hydroxypropyl cellulose may be safely used in food in accordance with the following prescribed conditions:

(a) The additive is a cellulose ether containing propylene glycol groups attached by ether linkage and contains, on an anhydrous basis, not more than 4.6 hydroxypropyl groups per anhydroglucose unit. The additive has a minimum viscosity of 75 centipoises for 5 percent by weight aqueous solution at 25° C.

(b) The additive is used or intended for use as an emulsifier, film former, protective colloid, stabilizer, suspending agent, or thickener, in accordance with good manufacturing practice.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 28, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-8988; Filed, Sept. 3, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1116) filed by Imperial Chemical Industries Limited, Hexagon House, Blackley, Manchester 9, England, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of 2,2′-methylenebis[6-(1-methylcyclohexyl)-*p*-cresol] as an antioxidant and/or stabilizer in polymers used in the manufacture of articles intended for use in contact with food.

Accordingly, the Commissioner has also concluded that § 121.2550(b)(5) should be amended to change the chemical nomenclature of the item "2,2'-Dihydroxy-3, 3' - di(alphamethylcyclohexyl)-5,5'-dimethyl-diphenylmethane" in table 1 to read "2,2'-Methylenebis[6-(1-methylcyclohexyl)-*p*-cresol]."

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended as follows:

1. Section 121.2550(b)(5) is amended by deleting from table 1 the item "2,2'-Dihydroxy - 3,3' - di(alphamethylcyclohexyl)-5,5'-dimethyl-diphenylmethane" and inserting after "Hexylene glycol" the following item:

§ 121.2550 Closures with sealing gaskets for food containers.

* * * * *

(b) * * *

(5) * * *

TABLE I

List of substances	*Limitations (expressed as percent by weight of closure-sealing gasket composition)*
* * *	* * *
2,2'-Methylenebis[6-(1-methylcyclohexyl)-*p*-cresol].	Less than 1% in closure-sealing gasket composition.

2. Section 121.2566(b) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * * * *

(b) List of substances:

	Limitations
* * *	* * *
2,2'-Methylenebis[6-(1-methylcyclohexyl)-*p*-cresol].	For use only: 1. As provided in § 121.2550. 2. At levels not to exceed 0.2% by weight of polyethylene complying with § 121.2510, provided that the finished polyethylene contacts foods only of the type identified in § 121.2526(c), table 1, under categories I, II, VI-B, and VIII. 3. In polyethylene complying with § 121.2510, provided that the finished polyethylene contacts foods only of the types identified in § 121.2526 (c), table 1, under categories III, IV, V, VI-A, VII, and IX, and only at temperatures not to exceed room temperature, and further provided that percentage concentration of the antioxidant in the polyethylene, when multiplied by the thickness in inches of the finished polyethylene, shall not be greater than 0.0005.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 28, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-8989; Filed, Sept. 3, 1964; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.511]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide for the admission in bonded transit of certain aliens proceeding to the Olympic games in Japan through Anchorage, Alaska.

Paragraph (e)(1) of section 41.6 is amended by the addition of the following sentence:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * *

(e) *Aliens in immediate transit.* (1) *Aliens in bonded transit.* * * *

The limitations with respect to citizens and residents of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), and the Union of Soviet Socialist Republics, shall not apply to an alien transiting Anchorage, Alaska, by air, between September 10, 1964, and November 25, 1964, who is proceeding to or from Japan in connection with the 1964 Olympic games and who is the holder of an official Olympic identity card duly issued for participation in such games: *Provided,* That at all times such citizen and resident is not aboard an aircraft which is in flight through the United States he shall be in the custody of the Immigration and Naturalization Service.

Effective date. The amendment to the regulation contained in this order shall be effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: September 1, 1964.

ABBA P. SCHWARTZ,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: September 2, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F.R. Doc. 64-9053; Filed, Sept. 3, 1964; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Lake Washington, Wash.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.801 is hereby prescribed to govern the operation of the Washington State Highway Commission bridge across Lake Washington between Foster Island and Evergreen Point, Seattle, Washington, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.801 Lake Washington, Wash.; pontoon bridge between Foster Island and Evergreen Point, Wash.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel is unable to safely pass under either of the two fixed approach spans and desires to pass through the draw of the bridge, at least one hour advance notice of the time of required opening shall be given to the authorized representative of the owner of or agency controlling the bridge by any of the methods indicated below.

(1) Telephone requests for bridge opening will be directed as collect calls

to the Toll Office at the bridge site. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOW, or through other marine wire or radio telephone service.

(2) Audio requests for watercraft without facilities as set forth in subparagraph (1) of this paragraph will be made by sounding one long blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(c) After receipt of proper advance notice of a required opening of the drawspan the authorized representative of the owner of or agency controlling the bridge shall arrange for opening the span at the specified time. When opening of the bridge is imminent, all signals will be promptly acknowledged by both the bridge and vessels desiring to pass through the draw. If the drawspan cannot be opened immediately, or if open and must close immediately, the draw tender will sound four or more short blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(d) Automobiles, trucks, or other vehicles shall not be stopped on the draw of the bridge, except in cases of urgent necessity, nor shall vessels or other watercraft be manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be prompt, in order to prevent delay to either land or water traffic.

(e) All vessels, craft, or rafts, not self-propelled, navigating Lake Washington, for which the opening of the bridge may be necessary, shall while passing the bridge, be towed by a suitable self-propelled boat.

(f) The bridge will not be required to open on week days between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans.

(g) The bridge need not be opened at any time for the passage of any vessel of less than 300 gross tons equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the fixed spans, unless it has in tow a vessel which is unable to pass under the fixed spans. Any vessel of less than 300 gross tons regularly navigating the lake shall be subject to inspection and measurement by the District Engineer, U.S. Army Engineer District, and said District Engineer is hereby empowered to decide in each case whether or not the vessel shall be equipped with hinged or movable stacks, masts and flagpoles which can be lowered to enable the vessel to pass under the fixed spans. If the District Engineer decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified, the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the fixed spans.

(h) When the draw shall have been opened for ten minutes, or for such shorter period as may have been necessary for the passage of vessels, or other watercraft, desiring to pass, it shall be closed for the crossing of vehicles or individuals, if any be waiting to cross, and after being so closed for ten minutes, or for such shorter time as may be necessary for the said vehicles or individuals to cross, it shall again be opened promptly for the passage of vessels or other watercraft, if there be any such desiring, and authorized herein, to pass at such time.

(i) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can easily be read at any time, a copy of the regulations in this section.

[Regs., August 17, 1964, 1507-32 (Lake Washington, Wash.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-8969; Filed, Sept. 3, 1964; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

INTERNATIONAL MAIL AMENDMENTS

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

§ 168.5 [Amended]

I. In country "Czechoslovakia", as amended by 29 F.R. 7509-7510, the item "Prohibitions and import restrictions" under Postal Union Mail is amended to modify regulations for importation of postage stamps. As so amended, the item reads as follows:

Prohibitions and import restrictions. Postage stamps and stamped paper for philatelic purposes may be imported to Czechoslovakia only under the following conditions:

"Shipments for sale" may be sent only to the firm Artia, V Smeckach 30, Prague 1.

"Gift shipments" may be sent only in letters containing no other merchandise; one addressee may receive only three shipments per year, from at least two different senders. Each shipment must consist of assorted cancelled stamps not exceeding 20 Czechoslovak crowns ($2.83) in value. Noncomplying shipments will not be delivered.

"Exchange shipments" may be sent only to authorized collectors through the intermediary of the Czechoslovak Postal Administration. Shipments must be addressed to the Foreign Stamp Exchange Center, Post Office, Prague 121, with the name and address of the collector on a piece of paper enclosed.

II. In country "Germany" under Parcel Post make the following changes in the item *Observations:*

A. Paragraph 7 is amended to show that used clothing may not be sent to Eastern Germany. As so amended, the paragraph reads as follows:

Observations. * * *

No gift parcel may contain any articles in tin cans or other hermetically sealed containers. They may not contain used clothing or footwear, medicaments of any kind, tape recordings, photographic films, plates or paper, geographic maps, postage stamps, or children's toys of military nature. No such parcel may contain more than 8¾ ounces of coffee, 8¾ ounces of cocoa, 10½ ounces of chocolate (including chocolate-covered candy) and/or 1¾ ounces of tobacco products. Each gift parcel must be marked on the outside "Geschenksendung keine Handelsware" (Gift shipment—no commercial goods).

B. Paragraph 8 is deleted to show that used clothing may not be sent to Eastern Germany.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-8986; Filed, Sept. 3, 1964; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter 1—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Dooket No. 3666; Order 59-A]

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 21st day of August A.D. 1964.

Upon consideration of the report of the Commission, Division 3, herein, decided October 31, 1963, and of the order of Division 3, of March 5, 1964, and of:

(1) Letter-petition filed by Suburban Propane Gas Corporation, April 10, 1964, for reconsideration of the report;

(2) Supplementary letter-petition filed July 22, 1964;

(3) Telegraphic request of July 28, 1964, for extension of time in which to file a formal petition for reconsideration, and

(4) Petition for reconsideration tendered for filing August 12, 1964;

It appearing, that the petitions in (1) and (2) above present good cause for modification of the order of March 5, 1964, to exclude from the internal inspection requirement of the report of October 31, 1963, and the order of March 5, 1964, those cargo tank vehicles

constucted of other than quenched and tempered steel and having a capacity of 3,000 water gallons or less:

It is ordered, That 49 CFR 77.824, be, and it is hereby modified by amending paragraph (d)(1) of said order of March 5, 1964, to read as follows:

§ 77.824. Retesting of cargo tanks.

* * * * *

(d) * * *

(1) Not later than September 30, 1964, an external and internal visual inspection shall be made to determine whether the tank is in compliance with the requirements of the regulations, specifications, and provisions of the code under which it was built, provided that an external inspection of shell and heads shall not be required on insulated tanks and internal inspection shall not be required as to tanks constructed of other than quenched and tempered steel which have a water capacity of 3,000 gallons or less.

* * * * *

It is further ordered, That the letter-petition of April 10, 1964, as supplemented by the letter-petition of July 22, 1964, except to the extent granted herein be, and it is hereby, denied.

And it further appearing, that the above ordering paragraphs make action on the telegraphic request of July 28, 1964, and the petition tendered for filing August 12, 1964, unnecessary:

It is ordered, That said telegraphic request and petition be, and they are hereby, dismissed.

It is further ordered, That this order shall remain in effect until the further order of the Commission.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Division 3, acting as an appellate division.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-8981; Filed, Sept. 3, 1964; 8:47 a.m.]

[No. 34334]

PART 131—UNITED STATES SAFETY-APPLIANCE STANDARDS (RAILROAD)

Unidirectional Passenger-Train Cars Adaptable to Van-Type Semi-Trailer Use

JUNE 22, 1964.

Report and Recommended order of Examiner Henry J. Vinskey, served May 22, 1964.

On the date indicated above, a recommended order accompanied by a report setting forth the reasons therefor was served on the parties to the above-entitled proceeding.

No exceptions to the recommended order and report were filed within the period provided for such filing, and the Commission did not stay the said order, and it became the order of the Commission upon the expiration of the exception period. The order provides for the addition of new standards as provided by the attached appendix effective June 22, 1964.

[SEAL] HAROLD D. MCCOY, *Secretary.*

§ 131.23. Unidirectional passenger-train cars adaptable to van-type semi-trailer use.

(a) *Hand brakes*—(1) *Number.* Same as specified for "Passenger-Train Cars Without End-Platforms."

(2) *Location.* Each hand brake shall be so located that it can be safely operated while car is in motion. The hand brake operating device shall be located on the end of car to the left of center.

(b) *Brake step*—(1) *Number.* One (1).

(2) *Dimensions.* Not less than twenty-eight (28) inches in length. Outside edge not less than eight (8) inches from face of car, except when "A" frame is used and extends beyond end of car, a platform of anti-skid design covering the extended portion of the "A" frame may be used as brake step.

(3) *Manner of application.* Brake step shall be securely fastened to car and when additional support is necessary, metal braces having a minimum cross-sectional area three-eighths (3/8) by one and one-half (1½) inches or equivalent shall be securely fastened to body of car with not less than one-half (½) inch bolts or rivets.

(c) *Sill steps*—(1) *Number.* Two (2).

(2) *Dimensions.* Minimum length of tread, ten (10) preferably twelve (12) inches. Minimum cross-sectional area, one-half (½) by one and one-half (1½) inches, or equivalent, wrought iron, steel or other metal of equivalent strength. Minimum clear depth, eight (8) inches.

(3) *Location.* One (1) near the rear or trailing end of the car on each side, not more than twenty-four (24) inches from corner of car to center of tread of sill step.

(4) *Manner of application.* Same as specified for "Passenger-Train Cars Without End-Platforms."

(d) *End-clearance.* No part of car above end sills except the brake step shall extend to within twenty (20) inches of a vertical plane parallel with end of car and passing through the outside edge of any part of an adjoining car.

(e) *Side handholds*—(1) *Number.* Four (4).

(2) *Dimensions.* Minimum diameter, five-eighths (5/8) of an inch, wrought iron, steel or metal of equivalent strength. Minimum clear length, sixteen (16) preferably twenty-four (24) inches. Minimum clearance, two (2) preferably two and one-half (2½) inches.

(3) *Location.* Horizontal, two (2) over each sill step. Lower handhold shall be not less than twenty-four (24) nor more than thirty (30) inches above center line of coupler. Upper handhold shall be not less than fifteen (15) nor more than nineteen (19) inches above lower handhold. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

(4) *Manner of application.* Side handholds shall be securely fastened with not less than one-half (½) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets.

(f) *Horizontal end-handholds*—(1) *Number.* Seven (7).

(2) *Dimensions.* Minimum diameter, five-eighths (5/8) of an inch, wrought iron, steel or other metal of equivalent strength. Minimum clear length, sixteen (16) inches. Minimum clearance, two (2) preferably two and one-half (2½) inches.

(3) *Location.* End-sill: One (1) near each side at the rear or trailing end of car on face of end-sill or sheathing over end-sill, projecting outward or downward. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

(i) Lower: One near each side of the rear or trailing end of car, not less than twenty-four (24) nor more than thirty (30) inches above center line of coupler.

(ii) Upper: One (1) near each side at the rear or trailing end of car not less than fifteen (15) nor more than nineteen (19) inches above lower handhold. Clearance of outer ends of lower and upper handholds shall be not more than eight (8) inches from side of car. Lower and upper handholds shall be spaced to coincide with corresponding side handholds, a variation of two (2) inches being allowed. On front end of car there shall be one (1) additional end handhold full length of car not less than forty (40) nor more than fifty (50) inches above center line of coupler. Clearance of each end of handhold shall be not more than eight (8) inches from side of car. When construction will not permit the use of a single handhold, four (4) handholds, each not less than sixteen (16) inches in length may be used, provided dimensions and location coincide.

(4) *Manner of application.* End handholds shall be securely fastened with not less than one-half (½) inch bolts with the nuts outside (when possible) and riveted over, or with not less than one-half (½) inch rivets. When marker sockets or brackets are located so that they cannot be conveniently reached, suitable steps and handholds shall be provided for men to reach such sockets or brackets.

(g) *Uncoupling levers.* Each car shall be equipped to provide means of coupling and uncoupling without the necessity of men going between the cars.

[F.R. Doc. 64-8982; Filed, Sept. 3, 1964; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain Wildlife Refuges in Nevada

The following special regulations are issued and are effective on date of pub-

lication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

STILLWATER WILDLIFE MANAGEMENT AREA

The public hunting of ducks, coots and gallinules on the Stillwater Wildlife Management Area is permitted from Oct. 10, 1964 through Dec. 23, 1964, and geese from Oct. 10, 1964 through Jan. 7, 1965, only on the area designated by signs as open to hunting. This open area, comprising 180,430 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through Jan. 7, 1965.

FALLON NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots and gallinules on the Fallon National Wildlife Refuge is permitted from Oct. 10, 1964 through Dec. 23, 1964, and geese from Oct. 10, 1964 through Jan. 7, 1965, only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through Jan. 7, 1965.

RUBY LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Ruby Lake National Wildlife Refuge is permitted from Oct. 10, 1964 through Dec. 23, 1964, and geese from Oct. 10, 1964 through Jan. 7, 1965, only on the area designated by signs as open to hunting. This open area, comprising 8,593 acres, is delineated on a map available at the refuge headquarters, Ruby Valley, Nevada and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 7, 1965.

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

AUGUST 27, 1964.

[F.R. Doc. 64-8970; Filed, Sept. 3, 1964; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-22]

CONTROL AREA EXTENSION, CONTROL ZONE AND TRANSITION AREA

Proposed Revocation and Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations. These proposals relate to navigable airspace both inside and outside of the United States. The substance of these proposals is stated below.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Marianna, Fla., control area extension is presently described as within 5 miles either side of the Marianna VOR 130° radial, extending from the VOR to 20 miles southeast.

The Tallahassee, Fla., control zone is presently described as within a 5-mile radius of Tallahassee Municipal Airport (latitude 30°23'33'' N., longitude 84°-21'06'' W.), and within 2 miles either side of the 299° bearing from the Tallahassee radio beacon, extending from the 5-mile radius zone to 12 miles northwest of the radio beacon.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Tallahassee, Fla., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the airspace actions hereinafter set forth.

1. The Marianna, Fla., control area extension would be revoked.

2. The Tallahassee, Fla., control zone would be redescribed as that area within a 5-mile radius of the Tallahassee Municipal Airport and within 2 miles each side of the 299° True bearing from the Tallahassee radio beacon extending from the 5-mile radius zone to 8 miles northwest of the radio beacon.

3. The Tallahassee, Fla., transition area would be redescribed as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tallahassee Municipal Airport, within 8 miles east and 5 miles west of the ILS localizer south course extending from the airport to 12 miles south of the outer marker compass locator; and within 2 miles each side of the ILS localizer north course extending from the 7-mile radius area to the Tallahassee VORTAC 305° True radial; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at longitude 85°00'00'' W., and the southern boundary of V-22, extending east along the southern boundary of V-22 to longitude 84°36'00'' W.; thence due north to the northern boundary of V-22, thence east along this boundary to the western boundary of VOR Federal airway No. 97; thence north along this boundary to the arc of a 30-mile radius circle centered on the Albany, Ga., Municipal Airport (latitude 31°32'00'' N., longitude 84°11'35'' W.); thence counterclockwise along this arc to the eastern boundary of V-97; thence south along this boundary to the northern boundary of V-22; thence east along this boundary to the eastern boundary of VOR Federal airway No. 159; thence along the eastern boundary of V-159 to the southern boundary of V-22, thence southwest to latitude 29°-55'30'' N., longitude 83°51'00'' W.; thence west along a line 3 nautical miles south of and parallel to the shoreline to longitude 84°12'20'' W.; thence due south to the southern boundary of V-7W; thence along the southern boundary of V-7W to longitude 85°00'00'' W.; thence due north to the point of beginning.

The proposed control zone and control zone extension are necessary to protect prescribed instrument approach and departure procedures. The proposed transition area is necessary for radar vectoring and to protect prescribed holding patterns as well as procedure-turn maneuvering areas. The 700-foot transition area extension based on the south course of the Tallahassee localizer is necessary to protect aircraft utilizing the AL-5048-ADF and AL-5048-ILS RWY 36 procedures.

The Valdosta, Fla., and Tallahassee control area extensions would remain as presently designated. However, they would be revoked when adjacent transition areas provide sufficient protected airspace.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110, 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on August 28, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8995; Filed, Sept. 3, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-103]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation and Revocation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace in the Benton Harbor, Mich.; South Bend, Ind.; and Goshen, Ind., terminal areas.

The South Bend control zone is presently designated as that airspace within a 5-mile radius of St. Joseph County Airport, South Bend, Ind. (latitude 41°42'15'' N., longitude 86°18'15'' W.). There is no control zone presently designated at Benton Harbor, Mich. The Pullman, Mich., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within the area bounded on the N by V-30S, on the E by longitude 86°36'00'', on the SE by V-193, on the SW by the South Bend, Ind., VORTAC 314° radial and on the W by longitude 87°01'00'' W. There are no transition areas presently designated at the Benton Harbor, Mich., South Bend, Ind., and Goshen, Ind., terminal areas.

To implement the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace actions:

1. Designate a control zone at Benton Harbor, Mich., to comprise that airspace within a 5-mile radius of Ross Field, Benton Harbor, Mich. (latitude 42°07'-45'' N., longitude 86°25'45'' W.) and within 2 miles each side of the 086° and 276° bearings from Ross Field, extending from the 5-mile radius zone to 8 miles east and west of the airport from 0730 to 2030 hours, local time, daily.

2. Designate a transition area in the Benton Harbor, Mich., terminal area to comprise that airspace extending upward from 700 feet above the surface within 8 miles each side of the Keeler, Mich., VOR 266° radial, extending from the Keeler VOR to 29 miles west of the VOR.

3. Designate a transition area at Goshen, Ind., to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43'' N., longitude 85°47'48'' W.) and within 2 miles north and 3 miles south of the Goshen, Ind. VOR 090° radial extending from the 5-mile radius area to the VOR.

4. Designate a transition area at South Bend, Ind., to comprise that airspace extending upward from 700 feet above the surface within a 6-mile radius of St. Joseph County Airport, South Bend, Ind. (latitude 41°42'15'' N., longitude 86°18'50'' W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from St. Joseph County Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Ind. VOR 360° radial, extending from the St. Joseph County Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Mich. (latitude 41°50'30'' N., longitude 86°13'30'' W.); and that airspace extending upward from 1200 feet above the surface bounded on the south by latitude 41°20'00'' N., on the west by longitude 87°00'00'' W., on the north by latitude 42°35'00'' N., and on the east by a line extending from latitude 42°35'00'' N., longitude 86°00'00'' W., direct to latitude 42°07'30'' N., longitude 86°00'00'' W., along the east edge of V-277 to latitude 41°40'00'' N., longitude 85°38'25'' W., direct to latitude 41°40'00'' N., longitude 85°30'00'' W., direct to latitude 41°20'00'' N., longitude 85°30'00'' N.

5. Revoke the existing Pullman, Mich., transition area.

Ross Field at Benton Harbor, Mich., meets the communications, weather reporting navigation aid, and instrument approach criteria for the establishment of a control zone. The control zone and control zone extension are required for the safety of aircraft executing instrument approach procedures at Ross Field.

The controlled airspace to be provided by the proposed Benton Harbor, Mich.; South Bend, Ind.; and Goshen, Ind., transition areas with 700 foot floors is required to provide protection for aircraft executing prescribed instrument approach and departure procedures at airports within their boundaries.

The proposed South Bend, Ind., transition area with a 1200 foot floor is required to encompass holding patterns, transitions to instrument approach fixes and missed approach fixes, and to provide controlled airspace for enroute vectoring by the Chicago Center using the McCook, Ill., and La Grange, Ind., radar systems.

The presently designated Pullman, Mich., transition area will be encompassed by the proposed South Bend transition area with a 1200 foot floor and will, therefore, be revoked.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on August 25, 1964.

N. M. BEARDSLEE,
Director, Central Region.

[F.R. Doc. 64-8996; Filed, Sept. 3, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [NEW] of the Federal Aviation Regulations to designate controlled airspace at Independence, Kans.

Having completed a comprehensive review of airspace requirements at Independence, Kans., including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Independence, Kans.

The proposed Independence transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Independence Municipal Airport (latitude 37°09'30'' N., longitude 95°46'30'' W.), and within 8-miles NE and 5-miles SW of the 157° bearing from the Independence Municipal Airport extending from the airport to a point 12 miles SE.

A public instrument approach procedure is to be established at this location concurrently with a designation of the transition area. The configuration of the transition area is based on the requirements of the proposed approach procedure, holding pattern and random departures from the airport. The proposed transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures at Independence Municipal Airport. Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication

of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on August 25, 1964.

L. M. BEARDSLEE,
Director, Central Region.

[F.R. Doc. 64-8997; Filed, Sept. 3, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR PARTS 71-78]

[Docket No. 3666; Supplemental Notice 50]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY PRIVATE CARRIERS

Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 26th day of August A.D. 1964.

Pursuant to the provisions of section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice was given to the public on May 12, 1961 (26 F.R. 4121), that the Commission had under consideration the issuance of regulations which would require private carriers by motor vehicle engaged in the transportation of explosives and other dangerous articles in interstate or foreign commerce to file annual reports showing (a) the average number of trucks and tractors operated in interstate or foreign commerce, (b) the names of all States in or through which those vehicles were operated, and (c) the number of accidents in which those vehicles were involved wherein bodily injury, death, or property damage to the extent of $250.00 or more, resulted. In addition the proposed regulations require that there shall be displayed on both sides of each such vehicle, displays of such size, shape and color as to be readily legible, the name or trade name of the carrier operating such vehicle and the city or community in which such carrier maintains its principal business office. notice further provided that the matter under consideration therein would be assigned for hearing jointly with the proceeding in No. 33440, Prevention of Rail-Highway Grade-Crossing Accidents Involving Railway Trains and Motor Vehicles, at a time and place to be thereafter fixed.

Subsequently, by order of September 13, 1961, the two proceedings were severed and hearings were held only in Docket No. 33440, leaving the matter in issue in the instant proceeding for consideration at a later date. The Commission found in Docket No. 33440 that it is in the public interest to proceed to a conclusion with the rule making proceeding instituted by the above referred to notice of proposed rule making published in the FEDERAL REGISTER on May 12, 1961.

In view thereof any interested person may on or before November 16, 1964, submit written verified statements containing views, arguments or suggestions to be considered in this connection. Consideration will be given to the proposed regulations in the light of the statements so received.

One signed copy and 5 additional copies of such statements shall be furnished for use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D.C.

Notice of this proceeding shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-8983; Filed, Sept. 3, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Aberdeen Area Office Redelegation Order 2, Amdt. 13]

SUPERINTENDENTS AND SCHOOL SUPERINTENDENTS

Redelegation of Authority With Respect to Range Management

AUGUST 28, 1964.

Order 2, as amended, is further amended by a revision of the part title and addition of two new sections under the heading "Functions Relating to Forest and Range Management" to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS AND SCHOOL SUPERINTENDENTS

SEC. 2.243 *Waiver of Technical Defects in Advertisements and Proposals for Grazing Privileges.* Exercise of the right reserved in Form 5-510, Sale of Grazing Privileges, to waive technical defects in the advertisements and proposals received in response thereto.

SEC. 2.244 *Approval, Modification and Cancellation of Grazing Permits.* The award, approval, modification, assignment and cancellation of grazing permits, pursuant to 25 CFR Part 151: *Provided,* That permits approved at the beginning of a contract period accord to a schedule of allocated and advertised range units approved by the Area Director, and provided further that permits shall not be issued at rental rate less than the minimum approved by the Area Director.

JOHN O. CROW,
Acting Commissioner.

AUGUST 28, 1964.

[F.R. Doc. 64-9000; Filed, Sept. 3, 1964; 8:48 a.m.]

Bureau of Land Management

[Bureau Order 690, Amdt. 3]

NEVADA LAND OFFICE MANAGER

Delegation of Authority Regarding Issuance of Patents

AUGUST 28, 1964.

Effective immediately, the Nevada Land Office Manager is authorized to issue patents or their equivalent in the name of the United States for grants of land under the authority of the Government, except patents and other conveyances which require the approval or signature of the President of the United States.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 64-9001; Filed, Sept. 3, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Anderson.	Jones.
Borden.	Kaufman.
Bosque.	Kent.
Bowie.	Lamar.
Callahan.	Liberty.
Coleman.	Marion.
Delta.	Mitchell.
DeWitt.	Polk.
Eastland.	San Saba.
Fannin.	Scurry.
Galveston.	Sherman.
Hemphill.	Smith.
Henderson.	Terry.
Hunt.	Trinity.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of August 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-8972; Filed, Sept. 3, 1964; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of August 19, 1964.

GEORGE E. HARDING.

[F.R. Doc. 64-8967; Filed, Sept. 3, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-4]

COMBUSTION ENGINEERING, INC., AND PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Issuance of Provisional Operating Authorization Amendment

Provisional Operating Authorization No. DPRA-4 was issued April 2, 1964, to General Nuclear Engineering Corporation (GNEC) and to the Puerto Rico Water Resources Authority (PRWRA) for operation of the Boiling Water Nuclear Superheater (BONUS) reactor located at Punta Higuera, Puerto Rico.

By application dated August 18, 1964, Combustion Engineering, Incorporated (CE), advised that GNEC would be merged into the parent company, CE, effective September 1, 1964, and requested transfer of Provisional Operating Authorization DPRA-4 from GNEC and PRWRA to CE and PRWRA. By letter dated August 18, 1964, GNEC confirmed the pending merger and recommended that the transfer of operating authority be effected. By a letter dated August 24, 1964, PRWRA stated it consented to the transfer.

Under the merger there will be no change in the technical qualifications of the applicant. All present GNEC personnel now working on the project will be retained in their present capacities. This amendment involves no changes in the Technical Specifications to the authorization which govern the operation of the facility.

Please take notice that the Atomic Energy Commission (1) has consented to the transfer of Provisional Operating Authorization No. DPRA-4 from GNEC and PRWRA to CE PRWRA, and (2) has issued Amendment No. 1, set forth below, to Provisional Operating Authorization No. DPRA-4. The amendment, which is effective September 1, 1964, transfers authorization to operate the BONUS reactor to CE and PRWRA.

The Commission has found that:

(1) The application for transfer of the provisional operating authorization complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) CE is technically qualified to engage in the activities authorized by this amendment;

(3) Prior public notice of the proposed issuance of this amendment is not necessary since no significant hazards considerations different from those previously considered are involved; and

(4) The issuance of this amendment is not inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "rules of practice," 10 CFR Part 2. If a request for a hearing or a petition to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see a copy of the application which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of August 1964.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[No. DPRA-4, Amdt. 1]

Provisional Operating Authorization No. DPRA-4 heretofore issued to General Nuclear Engineering Corporation and Puerto Rico Water Resources Authority is hereby amended as follows:

1. Paragraph 3 of the authorization is amended to read: "Subject to the conditions and requirements incorporated herein, including the Technical Specifications hereto, the Commission hereby authorizes Combustion Engineering, Incorporated (CE), and PRWRA, pursuant to the Atomic Energy Act of 1954, as amended (hereinafter 'the Act'), and Title 10, CFR, Chapter I, Part 115, 'Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements,' to use and operate the Boiling Nuclear Superheater (BONUS) Power Station."

2. The authorization, including the Technical Specifications, as previously issued is further amended to substitute in all instances Combustion Engineering, Incorporated (CE) for General Nuclear Engineering Corporation (GNEC).

This amendment is effective September 1, 1964.

Date of issuance: August 28, 1964.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 64-8991; Filed, Sept. 3, 1964; 8:47 a.m.]

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 13, set forth below, to Facility License No. R-2. The license authorizes The Pennsylvania State University (the licensee) to operate its pool-type nuclear reactor located on the campus in University Park, Pennsylvania. The amendment, in accordance with the application dated June 29, 1964, and letter dated July 29, 1964, authorizes the licensee to (1) install additional pool water cooling equipment, (2) operate the present reactor with the primary loop of the new equipment valved-off as proposed in the letter dated July 29, 1964, and (3) test the new equipment subject to specific limitations set forth in the amendment.

The new cooling equipment will be used in conjunction with an anticipated one megawatt core which will be installed at a later date. The applicant proposes to install that portion of the new equipment which will not affect operations with the present core. When final operations with the present core are complete, the core will be removed and an application for a new core will be filed with the Commission.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated June 29, 1964, and letter dated July 29, 1964, and (2) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of August 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-2; Amdt. 13]

License No. R-2, as amended, which authorizes The Pennsylvania State University to possess and operate the pool-type nuclear reactor located on the University's campus at University Park, Pennsylvania, is hereby further amended as follows:

1. The Pennsylvania State University is authorized to install pool water cooling equipment as proposed in the application for amendment dated June 29, 1964, as supplemented by a letter dated July 29, 1964.

2. Testing of the pool water cooling equipment with valves 1 and 3 open shall be limited to times when: (1) the reactor is not in operation, (2) the water in the pool is not contaminated, and (3) there is no experiment in the reactor that could cause contamination.

3. This amendment is effective as of the date of issuance.

Date of issuance: August 28, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-8992; Filed, Sept. 3, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15482]

AERONAVES DE MEXICO, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held on the above-entitled application on September 22, 1964, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D.C., September 1, 1964.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 64-9004; Filed, Sept. 3, 1964; 8:48 a.m.]

[Docket 15501]

WONG AVIATION LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on September 15, 1964, at 11:00 a.m., e.d.s.t., in Room 701, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 1, 1964.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 64-9005; Filed, Sept. 3, 1964; 8:48 a.m.]

[Docket 14945; Agreement C.A.B. 17898; Order No. E-21231]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of September 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and

Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement deletes Paragraph (9) of Resolution 520—Containers Board. This action of the IATA members cancels the provision granting automatic approval of containers and pallets owned by non-members which are identical to registered containers or pallets used by members. The effect of this revision is that all containers and pallets owned by non-members must be approved by the Containers Board.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions 100(Mail 383)520, 200 (Mail 517)520, 300(Mail 174)520, JT12 (Mail 383)520, JT23(Mail 133)520, JT31 (Mail 99)520, and JT123(Mail 383)520, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement C.A.B. 17898 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-9006; Filed, Sept. 3, 1964; 8:48 a.m.]

FARM CREDIT ADMINISTRATION

THREE DEPUTY GOVERNORS

Notice of Basic Compensation

Pursuant to the provisions of section 309 of the Government Employees Salary Reform Act of 1964 (Public Law 88-426), notice is given that the Federal Farm Credit Board has fixed the salary of each of three positions of Deputy Governor as follows:

Deputy Governor and Director of Cooperative Bank Service	$24,500
Deputy Governor and Director of Short-Term Credit Service	21,445
Deputy Governor and Director of Land Bank Service	20,245

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 64-8990; Filed, Sept. 3, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 65; FCC 64-792]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

SEPTEMBER 2, 1964.

In accordance with the Commission's action of August 31, 1964 granting a waiver of § 1.571(c) allowing the below-described application to be placed at the top of the processing line, notice is hereby given that on October 8, 1964, the following application:

New, Irondale, Ala.,
Birmingham Broadcasting Co.,
Req: 1480 kc, 5 kw, Day, Class III.

will be considered as ready and available for processing, and that pursuant to § 1.227(b)(1) and § 1.591(c) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business on October 7, 1964, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on October 7, 1964, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

By the Commission.[1]

Adopted: August 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-9007; Filed, Sept. 3, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amdt.); Supp. 4]

OFFICE OF TRANSPORT ECONOMICS

Organization and Function

The purpose of this supplement is to establish an organizational component designated as "Office of Transport Economics," and to describe its functions.

Accordingly, section 2.033, Organization Components—Managing Director, is supplemented to read as follows:

(1) Office of Administration
(2) Office of Information Services
(3) Office of International Affairs
(4) Office of Transport Economics
(5) Bureau of Foreign Regulation
(6) Bureau of Domestic Regulation
(7) Bureau of Hearing Counsel
(8) Bureau of Investigation
(9) Bureau of Financial Analysis
(10) Office of District Managers

Section 5.06, Specific Functions of the Managing Director, is supplemented by adding the following new subsection 4 and renumbering the present sections 4 through 9 to 5 through 10 respectively:

4. The Office of Transport Economics conducts research and economic studies necessary to the Commission in the fulfillment of its regulatory responsibilities. In this connection the staff compiles, interprets, and analyzes economic data essential to the study of freight rate structures and levels; conducts studies leading to determinations as to the reasonableness of specific cargo rates in the ocean trades of the United States; studies the economic implications of shipping practices; analyzes costs attributable to the movement of cargoes in the oceanborne commerce of the United States and conducts related studies and analyses requisite to rendering by the Commission of sound economic judgments and decisions.

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Ret.),
Chairman.

AUGUST 25, 1964.

[F.R. Doc. 64-9002; Filed, Sept. 3, 1964; 8:48 a.m.]

[1] Commissioners Bartley and Loevinger absent.

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

HOUSING AND HOME FINANCE ADMINISTRATOR

Delegation of Authority With Respect to Greentown Projects and Subsistence Homesteads; Authority To Redelegate

1. The Housing and Home Finance Administrator is hereby authorized to execute the functions, powers, and duties vested in the Public Housing Commissioner with respect to greentown projects and subsistence homesteads under the Act of June 29, 1936, 49 Stat. 2035; the Act of May 19, 1949, 63 Stat. 68; section 4(b) of Reorganization Plan No. 3 of 1947, 61 Stat. 955 (5 U.S.C. 133y-133y-16 note); and any other law or executive order relating to or affecting the said functions, powers, and duties.

2. The Housing and Home Finance Administrator is authorized to redelegate to any officer or employee under his jurisdiction any of the functions, powers, and duties herein delegated.

3. Any instrument or document executed by the Housing and Home Finance Administrator, or by any officer or employee to whom the authority herein has been redelegated, purporting to relinquish or transfer any right, title, or interest in or to real or personal property under the authority herein delegated

shall be conclusive evidence of the authority of the Administrator, or empowered officer or employee, to act for the Public Housing Commissioner in executing such instrument or document.

(Sec. 502(c)(2) of Act of August 10, 1948, 62 Stat. 1284, as amended (12 U.S.C. 1701c(b)(2)))

Effective as of the 29th day of August 1964.

Approved: August 29, 1964.

MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 64-8968; Filed, Sept. 3, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2387]

AMERICAN NATURAL GAS CO. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 31, 1964.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: American Natural Gas Company (Delaware), File 7-2387.

Upon receipt of a request, on or before September 17, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-8998; Filed, Sept. 3, 1964; 8:48 a.m.]

[File No. 812-1697]

AMPAL-AMERICAN ISRAEL CORP. AND ISRAEL DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Proposed Transactions

AUGUST 31, 1964.

Notice is hereby given that Israel Development Corporation ("Israel Development") 17 East 71st Street, New York, N.Y., 10021, a New York corporation and a closed-end investment company registered under the Investment Company Act of 1940 ("Act"), and Ampal-American Israel Corporation ("Ampal") have filed a joint application pursuant to section 17(b) of the Act to permit the proposed purchase by Ampal from Israel Development, an affiliated company of Ampal, for cash, at face amount plus accrued interest, $1,062,843.27 face amount of notes of National Committee for Labor Israel ("Committee"). The notes bear interest at rates ranging from 8½ percent to 9 percent per annum and mature during the period commencing August 29, 1964 and ending December 29, 1968. Ampal and Israel Development are affiliated companies of each other, since Ampal owns approximately 8.2 percent of Israel Development's outstanding shares of voting stock. All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations, which are summarized below.

Ampal holds notes of Committee which aggregated $3,426,820 face amount at June 15, 1964. As a consequence of the proposed transaction, Israel Development will no longer hold any notes of Committee. The application states that the proposed transaction is the initial step in a planned program of eliminating common investments and loans in the same enterprises by Ampal and Israel Development. It is planned to eliminate as much as possible joint loans by Ampal and Israel Development to the same borrowers. The objective of this program is to avoid any possible question of conflict of interest, and the administrative difficulties arising out of the applicability of section 17 of the Investment Company Act of 1940. Such a program is also consistent with the general method of operation of the two companies, namely, that Ampal should concentrate on loan investments, whereas IDC should concentrate on equity investments, inasmuch as Ampal operates primarily with borrowed funds while Israel Development operates primarily with equity capital. While it is intended to avoid duplication of investment, the possibility of joint investments in the future is not entirely precluded in special cases, subject to the provisions of the Act and the rules thereunder.

Loans by Ampal to Committee, in conjunction with contemplated loans aggregating $500,000 by Israel Development to Committee, were the subject of an application to, and an order by, the Commission under sections 6(c) and 17(d) of the Act and Rule 17d-1 thereunder (Investment Company Act Releases Nos. 3932 and 3956, March 19 and April 9, 1964). Israel Development has loaned Committee $200,000 of such $500,000 amount and does not intend to loan to Committee the remaining $300,000 then contemplated.

Ampal and Israel Development have filed applications with the Commission (File Nos. 812-1694 and 812-1695) concerning, among other things, the purchase by Israel Development of 39,200 "C" Ordinary Shares of Nesher-Cement (Holdings) Limited for 4,060,000 Israeli Pounds and the loan by Ampal of $1,111,111 to Israel Portland Cement Works "Nesher" Ltd. and/or Israel Portland Cement Works Nesher-Ramle, Ltd., such loans to be evidenced by the issuance of a series of twelve-year 7 percent Debentures by the borrowers.

The present application states that Israel Development has received proposals for attractive investments in Israel requiring funds exceeding those to be made available to Israel Development by the proposed transaction and that the proceeds of the purchase by Ampal of the notes of Committee will not be used by Israel Development to purchase the Nesher-Cement (Holdings) Limited shares.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from purchasing securities or property from such registered company, unless the Commission upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of such registered investment company, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 16, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the above matters accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time

after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-8999; Filed, Sept. 3, 1964; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V, Disaster No. 1]

MANAGER, DISASTER FIELD OFFICE; MIAMI, FLORIDA

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) 29 F.R. 11777, there is hereby redelegated to the Manager of Miami, Florida, Disaster Field Office, the following authority:

A. *Financial assistance.* 1. To approve:

a. Direct disaster loans not exceeding $100,000.

b. Participation disaster loans not exceeding $150,000.

2. To decline disaster loans in any amount.

3. To enter into disaster loan participation agreements with banks.

4. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
Manager, Disaster Field Office

5. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

6. To disburse unsecured disaster loans.

7. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective: September 1, 1964.

W. C. STRICKLAND, Jr., *Acting Regional Director, Atlanta, Georgia.*

[F.R. Doc. 64-8979; Filed, Sept. 3, 1964; 8:46 a.m.]

[Delegation of Authority No. 30-X]

DALLAS REGIONAL AREA

Delegation of Authority to Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as corrected, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (Delegated to the positions as indicated below).* To make original determinations and determinations upon the reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulation, as amended, but not in cases which involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

B. *Eligibility determinations (Delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Business Loans:

(1) Direct not exceeding $100,000.

(2) Participation not exceeding $250,000.

b. Disaster Loans:

(1) Direct not exceeding $100,000.

(2) Participation not exceeding $150,000.

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business loan and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
(Name)

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of the liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a. and b.

E. *Chief, Loan Liquidation Section.* Item I.C.12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. *Chief, Loan Processing Section.* 1. Item I.C.3.

2. To decline business and disaster loans in any amount.

3. Items I.C. 6. through 10.

4. Item I.A. (Size Determinations for Financial Assistance only.)

5. Item I.B. (Eligibility Determinations for Financial Assistance only.)

G. *Chief, Investment Division.* 1. To extend the disbursement period of section 502 loan authorizations or undisbursed portions of section 502 loans.

2. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

3. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

4. To substitute, add, or change the collateral requirements of any loan authorization where such change will not adversely affect the credit aspects of the loan. (Section 502 loans only.)

5. Item I.A. (Size Determinations for section 502 loans only.)

6. Item I.B. (Eligibility Determinations for section 502 loans only.)

H. *Chief, Procurement Assistance.* 1. Item I.A. (Size Determinations on PA activities only.)

2. Item I.B. (Eligibility Determinations on PA activities only.)

I. *Regional Counsel and Branch Counsel.* To disburse approved loans.

J. *Administrative Officer.* 1. To (a) purchase all office supplies and expendable equipment, including all desk-top items and rent regular office equipment; (b) Contract for repair and maintenance of equipment and furnishings in an amount not to exceed $50 in any one instance; (c) Contract for services required in setting up and dismantling, and moving SBA exhibits.

2. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for rental of office space; (b) rent office equipment; (c) rent motor vehicles commercially when not available from General Services Administration; (d) procure (without dollar limitation) emergency supplies and materials.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

K. The following authority is hereby redelegated to the Branch Managers at Little Rock, Arkansas; New Orleans, Louisiana; Oklahoma City, Oklahoma; Dallas, Houston, Lubbock, Marshall, and San Antonio, Texas:

1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Simplified Bank Participation loans not exceeding $250,000.

d. Simplified Early Maturities Participation Loans not exceeding $250,000.

e. Direct disaster loans not exceeding $100,000.

f. Participating disaster loans not exceeding $150,000.

2. To decline as follows:

a. Business loans not exceeding $200,000.

b. Disaster loans in any amount.

3. To disburse approved loans.

4. Items I.C. 6. through 11.

5. Item I.C.12.—*only* the authority for servicing, administration and collection, including subitems a., b., and c.

6. Item I.G. 1. through 4.

7. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

8. Items I.J. 2. and 3.

9. Item I.A. (Size Determinations for Financial Assistance only.)

10. Item I.B. (Eligibility Determinations for Financial Assistance only.)

11. Item I.C.12.—only the authority for servicing, administration, and collection, including subitems a. and b., but not c., is hereby delegated to the Chief, Financial Assistance Section and the Chief, Loan Administration Unit in the Houston Branch Office.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All authority previously delegated by the Regional Director and other officials in this region is hereby rescinded without prejudice to actions taken under such delegations prior to the date hereof.

Effective date: September 1, 1964.

ROBERT E. WEST,
Regional Director,
Dallas Regional Office.

[F.R. Doc. 64-8980; Filed, Sept. 3, 1964; 8:46 a.m.]

TARIFF COMMISSION

[AA1921-39; TC Publication 135]

CARBON STEEL BARS AND SHAPES FROM CANADA

Determination of Injury

SEPTEMBER 1, 1964.

On June 1, 1964, the Tariff Commission was advised by the Assistant Secretary of the Treasury that carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, are being, or are likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act. Accordingly, the Commission on June 2, 1964, instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public notices of the institution of the investigation and of a public hearing to be held in connection therewith were published in the FEDERAL REGISTER (29 F.R. 7444, 7788, and 8154). The hearing was held on July 27, 1964.

In arriving at a determination in this case, due consideration was given by the Commission to all written submissions from interested parties, all evidence presented at the hearing, and all information obtained by the Commission's staff.

On the basis of the investigation, the Commission has determined (Commissioners Dorfman and Talbot dissenting)[1] that an industry in the United States is being injured by reason of the importation of carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Majority statement of reasons. For the Commission to find injury to a domestic industry in a dumping case, it must be satisfied that there is material injury and that it is being caused by the sales-below-fair-value aspect of the goods in question rather than by their mere importation. In this case both conditions are fulfilled.

The imports which are the subject of this investigation consist of carbon steel bars,[2] bar shapes under 3 inches and structural shapes 3 inches and over. However, it should be pointed out that the Canadian producer does not make or export structural shapes 5 inches and over. The larger structural shapes are typically separate and distinct from those products which are being imported at less than fair value. They are made on different machinery and generally serve different purposes. Consequently, structural shapes 5 inches and over are not germane to this determination.

The bars and shapes involved in this case are heavy, elongated, low-value products subject to high transportation costs. Consequently, they are commonly sold only within a comparatively restricted geographical area. Thus, it is not surprising that the three domestic producers in the Pacific Northwest—Oregon Steel Mills, Northwest Steel Rolling Mills, Inc., and the Bethlehem Steel Company—typically sell over 95 percent of their production of the relevant items in the Pacific Northwest.[3] Furthermore, approximately 95 percent of the domestic steel bars and shapes of this type which are consumed in the area come from these three mills, and the bulk of their raw material originates in the same States. Their sales are made primarily in small lots. This factor, together with the high freight costs, isolates this group of producers.

It is true, of course, that this isolation has occasionally been breached by small sales in the area by other domestic producers and by shipments outside it by the firms in question, but these have been minimal and sporadic. Even the "captive" sales by one of the three domestic producers which were made to its parent company in California were extremely small.

The Canadian less-than-fair-value imports sold in the Pacific Northwest rose

[1] The views of Commissioners Dorfman and Talbot filed as part of the original document.

[2] The term "carbon steel bars" is construed not to include "steel reinforcing bars" which were the subject of a separate investigation under the Antidumping Act.

[3] The producers sell principally in Oregon and Washington, but make some sales in Montana, Utah, and Idaho which constitute the eastern fringe of the market.

threefold between 1962 and 1963. During 1963 they reached about 10 percent of local shipments of the relevant products by the three domestic producers. In fact, the total Canadian importation of these articles entering through the customs districts of the Pacific Northwest was more than 15,000 tons during 1963. However, since somewhat more than half of them simply passed through the area en route to other areas, we are primarily concerned in this decision with the tonnage that stayed in the relevant market area. That quantity, as we have indicated, was more than enough to deprive the domestic concerns of a significant volume of sales—though not necessarily on a one-to-one basis—which they would otherwise have made.

Further, prices were markedly depressed by the impact of the Canadian goods at less than fair value. In October 1963, when the imports under investigation were coming into the Northwest in substantial quantities, a national price rise took effect. The Northwest producers, however, were unable to participate in this general increase.[4] Not until the Canadian imports ceased in April 1964, when the Treasury Department announced that it was withholding appraisal of the items, did these producers determine that it was economically feasible to make appropriate increases in their prices. For the intervening period their prices were the lowest in the country—as one measure, they were as much as $7.00 a ton under the prevailing price in San Francisco—and they were caught in the familiar vise between depressed prices and higher costs for labor and scrap.[5]

Price depression of this kind is commonly, of course, the result of many factors. However, in this case the pressures for price increases were generally present: a national trend, a growing market, rising costs, and limited domestic competition. The major negative factor in the equation was the dumped Canadian imports, which were selling at prices between 6 percent and 20 percent under the domestic prices. It is true that off-shore imports from Japan and Belgium of like competitive sizes and shapes were also present in the market in the Northwest during the relevant time period. Because such imports had been there for some time, the market had adjusted to them before the surge of the Canadian imports at less than fair value. In the case of the Japanese, the bulk of the goods were of sizes not directly competitive with the subject bars and shapes.

It is also germane in establishing the causal relationship between the price depression and the Canadian sales at less than fair value to point out that the Northwest producers not only did not lose sales when they raised their prices last spring, but actually gained some. The major change in the structure was the discontinuance of offers of the Canadian product in the domestic market.

If the Canadian manufacturer had sold the articles in question to the importer at fair values, the added factor of customs duty would have meant that the importer's costs would have been somewhat above the domestic producers' prices. Faced with this fact, and the ample supply of U.S. bars and shapes, the manufacturer priced his goods to the importer far below the level that was necessary to make his products reasonably price competitive. The successful penetration of the market was therefore due directly to the less-than-fair-value pricing policy, and not to the mere availability of the goods.

Thus, the producers in the Pacific Northwest were materially injured as evidenced by a substantial loss of sales which, under reasonable competitive circumstances, they could have expected to make, and by a severe price depression. The Commission finds that an industry in the United States is being injured within the meaning of the Antidumping Act.

This determination and the statements of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DON N. BENT, *Secretary.*

[F.R. Doc. 64-9008; Filed, Sept. 3, 1964; 8:48 a.m.]

[4] Although the published price of one of the Northwest producers was increased in October 1963, until recently actual sales of bars and bar shapes were necessarily made at prices comparable to the lower prices of the other two producers.

[5] Labor costs had risen 12 percent and scrap costs 19 percent since the last price adjustment.

UMBRELLAS AND PARTS OF UMBRELLAS

Report to the President

SEPTEMBER 1, 1964.

The Tariff Commission today made public its report to the President on investigation No. TEA-I-6 under section 301(b) of the Trade Expansion Act of 1962. The investigation covered umbrellas and parts of umbrellas (except handles) provided for in items 751.05 and 751.15-.25 of the Tariff Schedules of the United States. Umbrellas are dutiable at 20 percent ad valorem and umbrella frames, the principal umbrella parts imported, are dutiable at 30 percent ad valorem; the rates were reduced from 40 percent and 60 percent in 1950 and 1951, respectively, pursuant to concessions granted in the General Agreement on Tariffs and Trade.

The Commission found unanimously that the articles covered by the investigation are not, as a result in major part of concessions granted under trade agreements, being imported in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive articles. This finding was based primarily on the determination that any increases that may have occurred in imports of the articles under investigation in recent years are not attributable in major part to trade-agreement concessions, within the meaning of the Trade Expansion Act. The concessions tended to stimulate imports in the periods following their effective dates and, presumably, since then have operated to maintain imports at higher levels than would have otherwise prevailed. The concessions, however, have become part of the conditions of trade during the past decade or so, and the major causes of any increases in the rate of importation in recent years lie elsewhere. Japan and Hong Kong have developed improved supplier positions in the United States and in other markets, not only for such articles as umbrellas but also for many other products, irrespective of changes in tariff levels in the receiving countries. The availability of low-priced umbrellas and frames from foreign producers has stimulated demand and opened wider markets for umbrellas in the United States.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-9009; Filed, Sept. 3, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 1, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39235: *Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 83), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief: Motortruck competition.

Tariff: Supplement 11 to Central States Motor Freight Bureau, Inc., agent, tariff MF-I.C.C. 1087.

FSA No. 39236: *Caustic potash to Louisville, Ky.* Filed by O. W. South, Jr., agent (No. A4557), for interested rail carriers. Rates on caustic potassium (potash), in tank carloads, from Evans City, Ala., to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 142 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39237: *Processed clay to Dallas and Corpus Christi, Tex.* Filed by

O. W. South, Jr., agent (No. A4558), for interested rail carriers. Rates on processed clay, in carloads, from Toomsboro, Ga., and points in Georgia and South Carolina taking the same rates, to Dallas and Corpus Christi, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 2 to Southern Freight Association, agent, tariff I.C.C. S-438.

FSA No. 39238: *Joint motor-rail rates —Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 95), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 3 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1314.

FSA No. 39239: *Soybeans to Van Buren, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8597), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from specified points in Kansas, Missouri, and Oklahoma, to Van Buren, Ark.

Grounds for relief: Carrier competition.

Tariffs: Supplements 25 and 45 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4474 and 4494, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-8984; Filed, Sept. 3, 1964; 8:47 a.m.]

[Notice 1039]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 1, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67101. By order of August 28, 1964, the Transfer Board approved the transfer to Walter Strasser, Turtle Lake, Wis., of the operating rights of J. A. Dietrich, Clayton, Wis., in Certificates Nos. MC 101281 and MC 101281 Sub 1, issued October 5, 1940, and October 11, 1941, authorizing the transportation, over irregular routes, of firewood, from points in Prairie Farm, Vance Creek, and Crystal Lake Townships, Barron County, Wis., to Minneapolis, St. Paul, and South St. Paul, Minn., household goods, twine, and grain, from Minneapolis, St. Paul, and South St. Paul, Minn., to points in Almena, Crystal Lake, Arland, Vance Creek, Turtle Lake, and Prairie Farm Townships, Barron County, and Beaver and Clayton Townships, Polk County, Wis., and livestock, between points in the Towns of Almena, Arland, Turtle Lake, and Clinton, Barron County, Wis., and the Towns of Beaver and Clayton, Polk County, Wis., on the one hand, and, on the other, South St. Paul and Newport, Minn. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

No. MC-FC 67121. By order of August 27, 1964, the Transfer Board approved the transfer to Vernon T. Fowler, doing business as Fowler's Express, Whitman, Mass., of the operating rights in Certificate of Registration No. MC 98986 Sub 1, issued January 17, 1964, to South Shore Express Co., Inc., East Weymouth, Mass., corresponding to the grant of intrastate authority to transferor pursuant to Motor Common Carrier Certificate No. 3356 dated February 4, 1954, by the Massachusetts Department of Public Utilities for the transportation of general commodities anywhere within the Commonwealth, over irregular routes. Francis E. Barrett, 25 Bryant Avenue, East Milton 86, Mass., attorney for applicants.

No. MC-FC 67140. By order of August 28, 1964, the Transfer Board approved the transfer to Brown Line, Inc., Winterset, Iowa, of the operating rights issued by the Commission November 19, 1940, under Certificate No. MC 25513, to Carl Brown, doing business as Brown Line, Winterset, Iowa, authorizing the transportation, over a regular route, of general commodities, excluding household goods, and other specified commodities, between Des Moines, Iowa, and Winterset, Iowa. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, practitioner for applicants.

No. MC-FC 67149. By order of Auguest 28, 1964, the Transfer Board approved the transfer to Commodity Transport, Inc., Fremont, Nebr., of the operating rights in Permit No. MC 124620, issued May 21, 1963, to Harvey L. Mueller, Columbus, Nebr., authorizing the transportation, as restricted, over irregular routes, of feed and feed ingredients, from Columbus, Schuyler, and Fremont, Nebr., to points in Minnesota and Iowa; from Duneed and Pittsfield, Ill., and Minneapolis, Minn., to points in Nebraska, and points in a described portion of Iowa, and from points in Iowa to points in Nebraska; and nails, staples, wire, wire products, gates, and fence posts, from Crawfordsville, Ind., to points in Nebraska, and points in a described portion of Iowa. Donald E. Leonard, P.O. Box 2026, 605 South 14th Street, Lincoln, Nebr., 68501, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-8985; Filed, Sept. 3, 1964; 8:47 a.m.]

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